



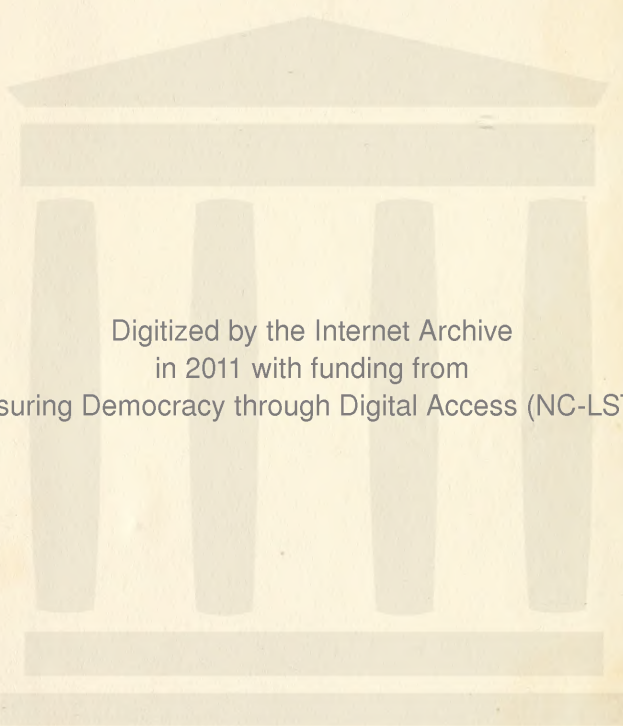
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JOURNALS

OF THE

SENATE AND HOUSE OF COMMONS

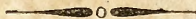
OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT ITS SESSION IN 1825.



TRANSMITTED, ACCORDING TO LAW, TO

ONE OF THE MEMBERS OF THE GENERAL ASSEMBLY, FOR THE COUNTY OF



RALEIGH:

PRINTED BY BELL & LAWRENCE,

Printers to the State.



1826.

JOURNAL OF THE SENATE.

At a General Assembly, begun and held in the City of RALEIGH, on Monday, the 21st day of November, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the INDEPENDENCE OF THE UNITED STATES OF AMERICA: It being the first session of this General Assembly.

The Returning Officers of the several counties certified that the following persons were duly elected to represent the counties in the Senate, respectively, to wit:

For <i>Anson County</i> , Joseph Pickett,	<i>Iredell</i> , George L. Davidson,
<i>Ashe</i> , Abner Smith,	<i>Lenoir</i> , Nathan B. Whitfield,
<i>Beaufort</i> , James O. K. Williams,	<i>Lincoln</i> , Daniel M. Forney,
<i>Bertie</i> ,	<i>Martin</i> , John A. Smithwick,
<i>Bladen</i> , Robert Melvin,	<i>Mecklenburg</i> , Wm. Davidson,
<i>Brunswick</i> , John C. Baker,	<i>Montgomery</i> , James Legrand,
<i>Buncombe</i> , Athan A. M'Dowell,	<i>Moore</i> , Cornelius Dowd,
<i>Burke</i> , James R. M'Dowell,	<i>Nash</i> , Wm. W. Boddie,
<i>Cabarrus</i> ,	<i>New-Hanover</i> , Thomas Devane,
<i>Camden</i> , Willis Wilson,	<i>Northampton</i> ,
<i>Carteret</i> , Whittington Davis,	<i>Onslow</i> ,
<i>Caswell</i> , Bartlett Yancy,	<i>Orange</i> , Wm. Montgomery,
<i>Chatham</i> , Robert Marsh,	<i>Pasquotank</i> , John Pool,
<i>Chowan</i> , Wm. Bullock,	<i>Perquimons</i> , Willis Riddick,
<i>Columbus</i> , Alex. Formyduval,	<i>Person</i> , Robert Vanhook,
<i>Craven</i> ,	<i>Pitt</i> , John Joiner,
<i>Cumberland</i> , Lachlin Bethune,	<i>Randolph</i> , William Hogan,
<i>Currituck</i> , Samuel Salyear,	<i>Richmond</i> , Francis T. Leak,
<i>Davidson</i> , Jesse Hargrave,	<i>Robeson</i> , John Gilchrist,
<i>Duplin</i> , John E. Hussey,	<i>Rockingham</i> , Henry Baughn,
<i>Edgecombe</i> , Lewis D. Wilson,	<i>Rowan</i> , Samuel Jones,
<i>Franklin</i> , Charles A. Hill,	<i>Rutherford</i> , Martin Shewford,
<i>Gates</i> , Abraham Harrell,	<i>Sampson</i> , Thomas Boykin,
<i>Granville</i> , Wm. M. Sneed,	<i>Stokes</i> , John Hill,
<i>Greene</i> , Jesse Speight,	<i>Surry</i> , Henry P. Poindexter,
<i>Guilford</i> , Jonathan Parker,	<i>Tyrrell</i> , John B. Beasley,
<i>Halifax</i> , Isham Matthews,	<i>Wake</i> ,
<i>Haywood</i> , Thomas Love,	<i>Warren</i> , Micajah T. Hawkins,
<i>Hertford</i> , James Copeland,	<i>Washington</i> , Samuel Davenport,
<i>Hyde</i> , David Gibbs,	<i>Wayne</i> , Jethro Howell,
<i>Johnston</i> , Reuben Sanders,	<i>Wilkes</i> , Edmund Jones,
<i>Jones</i> , Risdan M. M'Daniel,	

In pursuance of which certificates, the following gentlemen appeared, were qualified agreeably to law, and took their seats, to wit: Joseph Pickett, Abner Smith, James O. K. Williams, Robert Melvin, John C. Baker, Athan A. M'Dowell, James R. M'Dowell, Willis Wilson, Whittington Davis, Bartlett Yancy, Robert Marsh, Wm. Bullock, Alexander Formyduval, Lachlin Bethune, Samuel Salyear, Jesse Hargrave, John E. Hussey, Lewis D. Wilson, Charles A. Hill, Abraham Harrell, William M. Sneed, Jesse Speight, Jonathan Parker, Isham Matthews, Thomas Love, James Copeland, David Gibbs, Reuben Sanders, Ridsen M. M'Daniel, George L. Davidson, Nathan B. Whitfield, Daniel M. Forney, John A. Smithwick, Wm. Davidson, James Legrand, Cornelius Dowd, Wm. W. Boddie, Thomas Devane, Wm. Montgomery, John Pool, Willis Riddick, Robert Vanhook, John Joiner, William Hogan, Francis T. Leak, John Gilchrist, Henry Baughn, Samuel Jones, Martin Shewford, Thomas Boykin, John Hill, Henry P. Poindexter, John B. Beasley, Micajah T. Hawkins, Samuel Davenport, Jethro Howell and Edmund Jones.

On motion of Mr. Love, Bartlett Yancy, Esquire, the member of this House from the county of Caswell, was unanimously chosen Speaker of the Senate, and conducted to the Chair accordingly.

On motion of Mr. Wilson, Benjamin H. Covington was appointed Principal Clerk of the Senate, and James W. Clark, Clerk Assistant.

On motion of Mr. Davis, Thomas B. Wheeler was appointed Principal Doorkeeper to the Senate, and, on motion of Mr. Whitfield, Robert Ray was appointed Assistant Doorkeeper.

Mr. Whitfield presented the resignation of John H. Bryan, the Senator elect from the county of Craven; which was read and accepted. Thereupon, on motion of Mr. Whitfield, it was ordered that a writ issue to the Sheriff of Craven county, commanding him to hold an election at the several places now prescribed by law in said county, on the twenty-fifth day of this instant, for the purpose of electing some person qualified to fill the said vacancy.

On motion of Mr. Wilson, it was ordered that a writ issue to the Sheriff of Northampton county, commanding him to hold an election at the several places now prescribed by law in said county, on the first day of December next, for the purpose of electing some person qualified to fill the vacancy in the Senate, occasioned by the death of John Peebles, Esq.

On motion of Mr. Hill, of Franklin, it was ordered that the rules for the government of the Senate be printed, one copy for each member.

On motion of Mr. Speight, a message was sent to the House of Commons, informing them of the organization of the Senate, by the appointment of Bartlett Yancy, Esquire, Speaker; Benjamin H. Covington, Clerk; and James W. Clark, Clerk Assistant; Thomas B. Wheeler and Robert Ray, Doorkeepers; and of their readiness to commence their public duties.

The Senate adjourned to ten o'clock, to-morrow morning.

TUESDAY, NOVEMBER 22, 1825.

The Senate met.

On motion of Mr. Hill, of Franklin, it was ordered that a writ issue to the Sheriff of Wake county, commanding him to hold an election at the

several places now prescribed by law in said county, on the 25th day of this instant, for the purpose of electing some person qualified agreeably to law to fill the vacancy in the Senate, occasioned by the death of Samuel Alston, Esquire.

Received from the House of Commons a message, stating the due organization of that House, by the appointment of John Stanly, Speaker; Pleasant Henderson, Clerk; and Charles Manly, Clerk Assistant; John Lumsden and Richard Roberts, Doorkeepers; and are prepared to enter upon public business.

Received also a message from that House, proposing that a joint select committee be appointed by the two Houses to wait on his excellency the Governor, and inform him that the Legislature has met agreeably to law, and is now ready to receive any communication he may think proper to make; and appointing Messrs. Iredell, Scott, and Daniel the committee on the part of that House. Which proposition was agreed to, and Messrs. Jones, of Wilkes, Sneed, and Wilson, of Edgecombe, compose the said committee on the part of the Senate.

Received from the House of Commons a message, proposing that the two Houses proceed immediately to the election of three Engrossing Clerks, and nominating the following persons, to wit: John Bragg, Samuel F. Patterson, Charles G. Rose, Joseph B. Collier, James Cook, Thomas G. Stone, Joseph H. Pool, Wm. J. Cowan, Matthew Beard, Jesse Turner, Lauriston B. Harden, Oscar G. Parsley, Joshua E. Lumsden, and Calvin C. Covington; which proposition was agreed to. Wm. Boud was added to the nomination, and Mr. Hill and Mr. Leak were appointed superintendants of the balloting on the part of the Senate.

Mr. Sneed, from the committee appointed to wait on his excellency the Governor, reported that the committee were authorised to state, that he would make a communication to the Legislature at twelve o'clock this day.

Received from the House of Commons a message, stating that Mr. Bateman and Mr. Wilson are appointed superintendants of the balloting for three Engrossing Clerks on the part of that House.

On motion of Mr. Hill, of Franklin, the Senate proceeded to the appointment of standing committees, which were made as follows:

On the committee of Claims—Messrs. Gilchrist, Riddick, Boddie, Hogan, Baker, Jones of Wilkes, Whitfield, and Davidson of Iredell.

On the committee of Propositions and Grievances—Messrs. Davidson of Mecklenburg, Williams, Forney, Melvin, Montgomery, Wilson of Edgecombe, Salyear and Leak.

On the Committee of Privileges and Elections—Messrs. Hill of Stokes, Dowd, Copeland, Hawkins, Vanhook, Formyduval, McDowell of Burke, and Joiner.

Committee of Finance, on the part of the Senate, are Messrs. Pickett, Hargrave, Speight, Love, Hussey, Sneed, Hill of Franklin, and Bullock.

Mr. Hill, of Stokes, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported that Samuel F. Patterson was duly elected; and that no other person in nomination had received a majority of the votes; which report was concurred in. Thereupon, on motion of Mr. Hill, of Stokes, a message was sent to the House of Commons, proposing that a further balloting immediately take place for the two Engrossing Clerks yet to be elected.

Received from the House of Commons a message, agreeing to ballot

immediately for two Engrossing Clerks, and stating that Mr. Donoho and Mr. Drake attend the Senate to receive the ballots. Thereupon Mr. Baker and Mr. Hawkins were appointed superintendants on the part of the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, NOVEMBER 23, 1825.

The Senate met.

Mr. Hawkins, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that no person in nomination had received a majority of the votes.

On motion of Mr. M'Dowell, of Burke, a message was sent to the House of Commons, proposing to ballot immediately for the two Engrossing Clerks yet to be elected; and, on motion of Mr. Hill, of Franklin, the name of Wm. Bonner was withdrawn from the nomination.

Received from the House of Commons a message, agreeing to ballot immediately for two Engrossing Clerks, as proposed by the Senate, and stating that the names of Joshua E. Lumsden, James Cook, Jesse Turner, and Oscar G. Parsley are withdrawn from the nomination; and that Mr. Cowan and Mr. Lewis now attend the Senate to receive the ballots. Thereupon Mr. M'Dowell, of Burke, and Mr. Marsh were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message from his Excellency the Governor, endorsed in that House "read and ordered to be printed;" which was also read and ordered to be printed by the Senate.

Mr. Boykin presented the resignation of Hardy Draughorn, as Justice of the Peace of the County of Sampson; which was read and accepted, and sent to the House of Commons.

Mr. M'Dowell of Burke, from the committee appointed to conduct the balloting for two Engrossing Clerks yet to be elected, reported that no person in nomination had received a majority of the votes. Thereupon, on motion of Mr. Forney, a message was sent to the House of Commons, proposing that a further balloting immediately take place for the two Engrossing Clerks yet to be elected; and, on motion of Mr. Hill, of Franklin, the name of Calvin C. Covington was withdrawn from the nomination.

Received from the House of Commons a message, agreeing to ballot immediately for the two Engrossing Clerks yet to be elected, and stating that Mr. Marshall and Mr. Wilcox attend the Senate as superintendants of the balloting; and that the name of Mr. Collier is withdrawn from the nomination. Thereupon Mr. Melvin and Mr. Bullock were appointed superintendants of the balloting on the part of the Senate.

The Senate adjourned to ten o'clock, to-morrow morning.

THURSDAY, NOVEMBER 24, 1825.

The Senate met.

Mr. Melvin, from the committee appointed to conduct the balloting for the two Engrossing Clerks yet to be elected, reported that Thomas G. Stone was duly elected; and that no other person in nomination had received a majority of the votes; which report was concurred in.

Received from the House of Commons a message, proposing that ano-

ther balloting immediately take place for the Engrossing Clerk yet to be elected; and that the name of Charles G. Rose is withdrawn from the nomination. Thereupon the proposition to ballot was agreed to by the Senate, and Mr. Vanhook and Mr. Baker were appointed superintendants of the balloting.

Received from the House of Commons a message, stating that they have passed a resolution relative to the disposition of certain deeds of conveyance for lands situated in the purchase lately made of the Cherokee Indians; in which they ask the concurrence of the Senate. Thereupon the said resolution was read and agreed to, and ordered to be enrolled.

Received from the House of Commons a message, stating that Mr. Picot and Mr. Lassiter are appointed superintendants of the balloting, on the part of that House, for one Engrossing Clerk yet to be elected.

Mr. Forney presented the following resolutions, which were read and agreed to, to wit:

Resolved, That so much of the Governor's Message as relates to the election of the President and Vice President of the United States, be referred to a select committee.

Resolved, That so much as relates to the reception of General Lafayette, and the expenditure thereof, be referred to the Committee of Finance.

Resolved, That so much as relates to Internal Improvement, be referred to a select committee.

Resolved, That so much as relates to the draining of Swamps, be referred to the committee on Internal Improvement.

Resolved, That so much as relates to Education and primary Schools, be referred to a select committee.

Resolved, That so much as relates to the application of the United States for a cession of Territory, be referred to a select committee.

Resolved, That so much as relates to the amendment of the Constitution of the United States, proposed by the States of Ohio and New Jersey, be referred to a select committee.

Resolved, That so much as relates to the Cherokee Contract, be referred to the Committee of Finance.

Resolved, That so much as relates to the Judiciary, be referred to a select committee.

Mr. Speight presented the following resolution, to wit:

Resolved, That a select committee be appointed, to whom shall be referred all subjects relating to the Militia Laws and Public Arms of this State.

Which was agreed to.

Mr. Baker, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that no person in nomination had received a majority of the votes. Thereupon, on motion of Mr. Speight, a message was sent to the House of Commons, proposing that a further balloting immediately take place; and a message was received from that House, agreeing to the proposition to ballot, and stating that Mr. Hardy and Mr. M^oMillan are appointed superintendants; and Mr. Poindexter and Mr. Melvin were appointed superintendants on the part of the Senate.

Received from the House of Commons a message, proposing that the two Houses immediately proceed to the election of a Judge of the Superior Courts of Law and Equity in this State, to supply the vacancy occurring by the resignation of George E. Badger, Esq. and stating that Thomas Ruffin, Esq. of Hillsborough, is in nomination; which proposition was agreed to, and Mr. Forney and Mr. Gilchrist were appointed superintendants of the balloting on the part of the Senate; and a message was re-

ceived from the House of Commons, stating that Mr. Sheppard and Mr. Wright are appointed to conduct the balloting on the part of that House.

Mr. Poindexter, from the committee appointed to superintend the balloting for the Engrossing Clerk yet to be elected, reported that no person in nomination had received a majority of the votes. Thereupon Mr. Love moved that a message be sent to the House of Commons, proposing that a further balloting take place for that appointment, at the meeting of the two Houses to-morrow morning; which was not agreed to.

Mr. Williams moved that a balloting for Engrossing Clerk take place immediately; which was agreed to, and a message to that effect sent to the House of Commons.

Received from the House of Commons a message, agreeing to ballot immediately for an Engrossing Clerk, and stating that the name of John Bragg is withdrawn from the nomination; and that Mr. Poor and Mr. Simmons are appointed to conduct the balloting on the part of that House. Thereupon Mr. Wilson, of Edgecombe, and Mr. Montgomery were appointed to conduct the balloting on the part of the Senate.

Mr. Vanhook presented the resignation of Stephen Pleasant, as Justice of the Peace of the County of Person; and Mr. Davidson, of Iredell, presented the resignation of Thomas Fortune, as Justice of the Peace of the county of Iredell; which were severally read and accepted by the Senate; and sent to the House of Commons.

The Senate adjourned to ten o'clock, to-morrow morning.

FRIDAY, NOVEMBER 25, 1825.

The Senate met.

Mr. Forney, from the committee appointed to conduct the balloting for a Judge of the Superior Courts of Law and Equity in this State, reported that Thomas Ruffin, Esq. was duly elected; which report was concurred in.

Mr. Wilson, of Edgecombe, from the committee appointed to conduct the balloting for Engrossing Clerk, reported that no person in nomination had received a majority of the votes. Thereupon Mr. Love moved that a message be sent to the House of Commons, proposing that a further balloting immediately take place for the Engrossing Clerk yet to be elected; which was agreed to, and, on motion of Mr. McDowell, the name of Mr. Beard was withdrawn from the nomination.

Received from the House of Commons a message, agreeing to ballot immediately for Engrossing Clerk, and stating that Mr. Matthews and Mr. Skinner are appointed superintendants of the balloting on the part of that House. Thereupon Mr. Gibbs and Mr. Boddie were appointed superintendants of the balloting on the part of the Senate.

L. H. Alexander, the Senator from the county of Cabarrus, appeared, produced the certificate of his election, was qualified, and took his seat.

On motion of Mr. Wilson, of Edgecombe, Mr. Hill, of Franklin, obtained leave of absence from the services of the Senate from and after this day, until Monday next.

Mr. Pickett presented a bill to amend an act for the better care of orphans, and security and management of their estates; which was read the first time and passed. Mr. Vanhook moved that the bill be printed, and the question thereon was determined in the negative. Thereupon the

said bill, on motion of Mr. Hill, of Franklin, was referred to the committee on the Judiciary.

Mr. Boddie, from the committee appointed to conduct the balloting for Engrossing Clerk, reported that no person in nomination had received a majority of the votes.

Received from the House of Commons a message, proposing that another balloting immediately take place for an Engrossing Clerk; which was agreed to, and Mr. Leak and Mr. Williams were appointed superintendants of the balloting on the part of the Senate.

Mr. Boddie presented a bill to repeal an act passed in the year 1811, entitled "an act to authorise the County Court of Nash to appoint Commissioners to contract with some person or persons for building public houses on the public ground at Nash Court House, and for other purposes;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Love presented a bill to incorporate the North Carolina Gold Company; which was read the first time and passed; and the same being read the second time, was, on motion of Mr. Forney, referred to the committee on the Judiciary.

Received from the House of Commons a message, stating that Mr. Elliott and Mr. Williams form the committee on the part of that House to conduct the balloting for the Engrossing Clerk yet to be elected.

The following persons were appointed on the several select committees, ordered on the message of the Governor.

On the Judiciary—Messrs. Pickett, Gilchrist, Davidson of Mecklenburg, Alexander and Hogan.

On Internal Improvement—Messrs. Forney, Bethune, Love, Legrand and Wilson of Edgecombe.

On Education and Primary Schools—Messrs. Hill of Franklin Sneed, Davidson of Iredell, Jones of Wilkes, and Hawkins.

On the Cession of Territory to the United States.—Messrs. Whitfield, Davis, Baker, Joiner and Gibbs.

On the proposed amendment to the Constitution of the United States, as respects President and Vice President—Messrs. Hill of Stokes, Hargrave, Bullock, Boddie and Smithwick.

On the amendment to the Constitution of the United States, proposed by the States of Ohio and New Jersey—Messrs. Gilchrist, Pickett, Speight, Davidson of Mecklenburg, and Vanhook.

On the resolution offered by Mr. Speight, relative to the Militia Laws and Public Arms—Messrs. Speight, Williams, Harrell, M'Dowell of Burke, and Jones of Rowan.

Mr. Williams, from the Committee appointed to conduct the balloting for an Engrossing Clerk, reported that no person in nomination had received a majority of the votes, and moved that a message be sent to the House of Commons, proposing that a further balloting immediately take place for that appointment, which was agreed to; and a message was received from the House of Commons, agreeing to the proposition of the Senate to ballot, and stating that Mr. Edwards and Mr. Durrett were appointed superintendants of the balloting on the part of that House. Thereupon Mr. Harrell and Mr. Smithwick were appointed superintendants on the part of the Senate.

Mr. Sneed presented a bill to authorise Willis Lewis, of Granville county, to erect two gates across the public road in said county; which was read the first time and passed, and, on motion of Mr. Sneed, was referred to the committee of Propositions and Grievances.

Mr. M'Dowell, of Burke, presented a bill to repeal an act, passed in the year 1818, entitled "an act fixing the sum hereafter to be paid to the State for vacant lands;" which was read the first time and passed, and, on motion of Mr. M'Dowell, was referred to the Committee of Finance.

A message was sent to the House of Commons, stating that the Senate, in pursuance of a rule of the two Houses, have appointed a Library Committee, consisting of Messrs. Forney, Pickett and Gilchrist.

Received from the House of Commons a message, stating that, in pursuance of a joint rule of the two Houses, they have appointed a Committee of Finance, consisting of Messrs. Carson, Williamson, Sheppard, Gary, Iredell, Blount, Gause and Elliott; also a Library Committee, consisting of Messrs. Moore of Brunswick, Sheppard and Iredell.

Received from the House of Commons a message, proposing that a joint select committee be appointed, whose duty it shall be to revise the fees of Clerks of the counties, Sheriffs, Constables, and County Solicitors, and to enquire into the expediency of compelling Clerks of Courts to make their bills of cost and to issue all tickets in dollars and cents, and that they have leave to report by bill or otherwise; and stating that Messrs. Martin, Scott, Miller, Dunn and L. H. Simmons form the committee on the part of that House; which proposition was agreed to, and Messrs. Davidson of Mecklenburg, Hill of Stokes, Hogan, Montgomery, and Speight of Greene, form the committee on the part of the Senate.

Mr. Formyduval presented the petition of William Baldwin, of Columbus county, praying to be divorced from his wife Amelia; which was referred to the committee of Propositions and Grievances.

On motion of Mr. Parker, a committee was appointed on Divorce and Alimony, consisting of Messrs. Parker, Matthews, Pool, Poindexter and Sanders.

Mr. Parker presented the petition of Sarah Wooters, of Guilford county, wife of John Wooters, praying that the property she may hereafter acquire be secured to her separate use; which was referred to the last mentioned committee.

Mr. Whitfield presented the resignation of Joel Hines, of Lenoir county; and Mr. Boddie presented the resignation of George Boddie, of Nash county, Justices of the Peace; which were read and accepted; and sent to the House of Commons.

Received from the House of Commons the resignations of Joseph Williams, Col. Commandant of the Militia of Martin county; D. M'Guire, Lieutenant Colonel of the Fork Regiment of Rowan Militia; and John Matthews, Lieutenant Colonel of the Gates Militia; also the resignations of James Townes, of Cumberland county; Joseph J. Gore, of Brunswick county; Lewis Daniel, of Person county; Aretas Jones, of Lenoir county; John Harris, of Hyde county; Archibald Durham, of Rutherford county; John Pollock, of Onslow county; John Wall, of Rutherford county; James Little, of Montgomery county; and Charles Stephens, of Johnston county, Justices of the Peace; which were severally read and accepted by the Senate.

The Senate adjourned to ten o'clock, to-morrow morning.

SATURDAY, NOVEMBER 26, 1825.

The Senate met.

Mr. Harrell, from the committee appointed to conduct the balloting for Engrossing Clerk, reported that no person in nomination had received a majority of the votes.

Received from the House of Commons a message, proposing that a further balloting immediately take place for that appointment; which proposition was agreed to by the Senate, and Mr. Baker and Mr. Hill of Stokes were appointed superintendants of the balloting; and a message was received from the House of Commons, stating that Mr. Bell and Mr. Wm. Carter are appointed superintendants of the balloting, on the part of that House.

Mr. Davidson, of Mecklenburg, presented a bill concerning the Catawba Navigation Company; which was read the first time and passed, and, on motion of Mr. Whitfield, was referred to the committee on Internal Improvement.

Mr. Davidson, of Mecklenburg, presented the petition of Matthew Miller, a soldier in the Revolutionary war, praying to be placed on the pension list of this State; which was referred to the committee of Propositions and Grievances.

Mr. Davidson, of Iredell, presented the petition of Silas Sharpe, of Iredell county, praying the emancipation of a certain slave therein mentioned; which was referred to the committee of Propositions and Grievances.

Mr. Jones, of Wilkes, presented the petition of Elizabeth Witherspoon, of Wilkes county, praying that the property which she may hereafter acquire, be secured to her free from the claims of her husband, David Witherspoon; which was referred to the committee of Divorce and Alimony.

Mr. Hill, of Stokes, from the committee appointed to conduct the balloting for the third Engrossing Clerk, reported that no person in nomination had received a majority of the votes; and, on motion of Mr. Formyduval, a message was sent to the House of Commons, proposing that a further balloting immediately take place for that appointment; and received from the House of Commons a message, agreeing to ballot, as proposed by the Senate, for the third Engrossing Clerk, and stating that Mr. Miller and Mr. M'Cauley are appointed superintendants of the balloting on the part of that House. Thereupon Mr. Speight and Mr. Legrand were appointed superintendants on the part of the Senate.

Mr. Speight, from the committee appointed to conduct the balloting for the third Engrossing Clerk, reported that no person in nomination had received a majority of the votes.

Mr. Vanhook moved that a message be sent to the House of Commons, proposing that a further balloting immediately take place for that appointment, which was agreed to; and a message was received from the House of Commons, agreeing to ballot, as proposed by the Senate, and stating that Mr. Glasgow and Mr. Richardson are appointed superintendants of the balloting on the part of that House. Thereupon Mr. Hawkins and Mr. Gilchrist were appointed superintendants on the part of the Senate.

Mr. Hawkins, from the committee appointed to conduct the balloting for the third Engrossing Clerk, reported that Mr. Cowan was duly elected; which report was concurred in.

The following resignations were presented, to wit: By Mr. Wilson, of Edgecombe, the resignation of Joshua Pender, as Col. Commandant of the 2nd regiment of the Edgecombe militia; by Mr. M'Dowell, of Burke, the resignations of J. Butler, Col. Commandant, and Wm. Kincaid, Lieutenant Colonel of the militia of Burke county; by Mr. M'Dowell, of Buncombe, the resignation of James Hamblin; and by Mr. Jones, of Wilkes, the resignation of H. Standly, Justices of the Peace; which were severally read and accepted by the Senate, and sent to the House of Commons.

The Senate adjourned to Monday, 10 o'clock.

MONDAY, NOVEMBER 28, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act, passed in the year 1811, entitled "an act to authorise the County Court of Nash to appoint commissioners to contract with some person or persons for building public houses on the public ground at Nash Court House, and for other purposes;" in which they ask the concurrence of that House.

Mr. Henry Seawell, the Senator from the county of Wake, appeared, produced the certificate of his election, was qualified, and took his seat.

Mr. Speight presented the following resolution:

Whereas it appears that many deficiencies exist in our present judiciary system, and to such an extent as almost to amount to a denial of justice, and more particularly in the chancery department; and whereas it is the opinion of this General Assembly, that, upon a well regulated judiciary system, (faithfully and impartially dispensing justice to individuals,) depends the lives, rights and liberties of our fellow citizens:

Resolved, therefore, That the committee on the Judiciary be instructed to inquire into the propriety of so amending our judiciary system, as to hold Courts of Chancery separate and distinct from Courts of Law, one in each judicial circuit, and to be holden by the present Supreme Court Judges; and that they report by bill or otherwise.

Which was agreed to.

Mr. Davidson, of Iredell, presented the resignation of Alexander Torrence, as a Justice of the Peace of the County of Iredell; which was read and accepted by the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

TUESDAY, NOVEMBER 29, 1825.

The Senate met.

Edward Ward, the Senator from the county of Onslow, appeared, produced the certificate of his election, was qualified, and took his seat.

Mr. Boddie presented the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the several acts of this State to prevent excessive gaming, so far as relates to playing cards in public houses; and that they report by bill or otherwise.

Which was agreed to.

Mr. Montgomery presented a bill concerning the election of Sheriffs; which was read the first time and passed; and, on motion of Mr. Speight, this bill was committed to a committee of the whole House, and made the order of the day for Tuesday next, and ordered to be printed.

Mr. Pickett presented the petition of Thomas C. Dunn and George C. Mendenhall, praying that certain money paid into the public Treasury for land therein mentioned, be refunded to them; which was referred to the committee of Claims. And Mr. Hill, of Stokes, presented the petition of Thomas Bennett, of Stokes county, praying that the privileges of a citizen be restored to him. Which was referred to the committee of Propositions and Grievances.

Mr. Pickett, from the committee on the Judiciary, reported a bill to advance the administration of justice in Courts of Equity, and to establish a Court for that purpose; which was read the first time and passed; and, on motion of Mr. Love, the said bill was committed to a committee of the whole House, and made the order of the day for Friday next, and ordered to be printed.

Mr. Pickett, from the same committee, to whom was referred a bill to amend an act for the better care of orphans, and security and management of their estates, reported the said bill without amendment; which was made the order of the day for to-morrow.

Received from the House of Commons the following resolution, to wit: *Resolved*, That the committee of Finance be instructed to inquire into the expediency of reducing the tax on Pedlars by land and on the navigable streams in this State.

Which was agreed to by the Senate.

Received from the House of Commons a message, stating that they have passed the engrossed bill to keep open French Broad River, in the county of Buncombe, and the bill to incorporate the trustees of the Colerain Academy, in the county of Bertie; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first and second times and passed.

Received from the House of Commons, a message from his excellency the Governor, in relation to the expenditure accruing from the visit of General Lafayette, accompanied with a proposition from that House, that the said message, together with the papers and documents therein referred to, be referred to the joint committee of Finance; which was agreed to by the Senate.

Received from the House of Commons a certificate of an allowance, made by the County Court of Cumberland, to Isabella Campbell, widow of James Campbell, a soldier in the continental line of this State in the revolutionary war; which was countersigned by the Speaker of that House, and the same being read, was, on motion of Mr. Bethune, countersigned by the Speaker of the Senate.

On motion of Mr. Forney, a message was sent to the House of Commons, proposing that a balloting take place, at the meeting of the two Houses to-morrow, for a Chief Magistrate of this State for the ensuing year, and nominating for the appointment Hutchins G. Burton.

Mr. Wilson, of Edgecombe, presented the following resolutions:

Resolved, by the General Assembly of the State of North Carolina, That the Constitution of the United States ought to be amended, so that Electors to vote for President and Vice President of the United States shall be elected uniformly in each State by districts; and that the said Electors, when elected for that purpose, shall assemble at the Capitol in the City of Washington, on the last Monday in February preceding the expiration of the term for which the President elect shall be elected; and, when so assembled, shall proceed (after organizing their body by ap-

pointing a President and Secretary, members of their own body) to elect a President and Vice President of the United States in the following manner: Each Elector shall give in his ballot for some one person, a native born citizen of the United States, expressing on the same the name of the person, and the State of which he is a resident, for President of the United States; and the person receiving a majority of the whole number of Electors, shall be declared duly elected President of the United States. But, after counting the ballots, if it shall be found that no person in nomination shall have received a majority of the whole number of Electors, they shall proceed to a second ballot, voting in the second place only for the three highest on the list of those voted for on the first ballot; and if, on the second ballot, neither of the three voted for shall have received a majority of the whole number of Electors, then they shall proceed to ballot the third time, voting only on the third ballot for the two highest on the list at the second ballot; and the person who shall receive the greatest number of votes on the third balloting, shall be declared to be duly elected President of the United States for four years from and after the fourth day of March next ensuing; and the Vice President of the United States shall be elected in like manner as the President.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use their exertions in obtaining the foregoing amendments to the Constitution of the United States; and that the Governor be requested to transmit a copy of the said resolution to each of the Senators and Representatives in Congress from this State; and also to the Governors of each of the States in the Union.

The foregoing being read, was, on motion of Mr. Wilson, referred to the committee on the proposed amendments to the Constitution of the United States, as respects President and Vice President.

Mr. Sneed presented the petition of Richard Bullock, of Granville county, praying compensation for certain services rendered by him in the late war; which was referred to the committee of Claims.

Mr. Jones, of Wilkes, presented the petition of Elizabeth Furguson, praying to be divorced from her husband James Furguson; which was referred to the committee of Divorce and Alimony.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, moved that the said committee be discharged from the further consideration of the petition of William Baldwin, praying to be divorced from his wife Amelia; and that the said petition be referred to the committee of Divorce and Alimony; which was agreed to.

Mr. Joiner presented a bill concerning company musters of militia; which was read the first time and passed, and, on motion of Mr. Joiner, was referred to the committee on the Militia Laws and Public Arms.

Mr. Hill, of Franklin, presented the resignation of John Kelly, a Justice of the Peace of Franklin county; which was read and accepted by the Senate.

Received from the House of Commons the following resignations, to wit: The resignations of J. H. Hill, Col. Commandant of the militia of Carteret county; P. Ballew, as Lieutenant Colonel of the militia of Burke county; Samuel Strayhorn, as Major of the militia of Orange county; and Jacob Gulding, as Major of Cavalry in the 3rd Division of the militia of this State; also Timothy Teachy, Edward Pearsall, Hosea Murray, and John Linton, of Duplin county; Daniel Holt, of Mecklenburg county; John Coulter, of Lincoln county; Larkin Shepherd, of Wilkes county; Luke Duncan, of Columbus county; J. S. Shepperd, of Halifax county; James Perkins, of Pitt county; and Joseph Keer, of Rowan county, Justices of the Peace; which were severally read and accepted by the Senate.

The Senate adjourned to ten o'clock, to-morrow morning.

WEDNESDAY, NOVEMBER 30, 1825.

The Senate met.

Richard D. Spaight, the Senator from the county of Craven, appeared, produced the certificate of his election, was qualified, and took his seat.

The following bills were presented, to wit: By Mr. Wilson, of Edgecombe, a bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof, and for other purposes; by Mr. Formyduval, a bill to repeal an act passed in 1824, entitled "an act making compensation to the Jurors of the Superior and County Courts of the county of Columbus, and for laying a tax for the same;" by Mr. Jones, of Wilkes, a bill to amend the several acts of Assembly, passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's ford, in the county of Wilkes, and for other purposes; by Mr. M'Dowell, of Burke, a bill to repeal, in part, an act passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe;" by Mr. Baughn, a bill to establish Shady Grove Academy, in the County of Rockingham, and to incorporate the trustees thereof; and by Mr. Vanhook, a bill to incorporate Ebenezer Academy, in the county of Person. Which bills were severally read the first time and passed.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of Matthew Miller, of the county of Mecklenburg, reported the following resolution, to wit:

Resolved, That the public Treasurer of the State of North Carolina be, and is hereby directed to pay annually to Matthew Miller, of the county of Mecklenburg, in North Carolina, the sum of seventy-five dollars, during the life of the said Matthew Miller, as a pensioner of the State.

Which was read the first time and passed.

Mr. Davidson, of Mecklenburg, from the same committee, to whom was referred the petition of Silas Sharpe, praying for the emancipation of a slave therein mentioned, reported a bill to emancipate a girl of colour, named Eliza; which was read the first time and passed.

Mr. Leak presented the petition of the trustees of the Richmond Euphradian Academy; which was referred to the committee of Propositions and Grievances.

A message was received from the House of Commons, stating their agreement to ballot for a Governor for the ensuing year, as proposed by the Senate. Thereupon Mr. Spaight, of Craven, and Mr. Hargrave were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons a message, of the date of yesterday, proposing that a balloting be had on this day for Public Printer for the ensuing year, and stating that Messrs. Bell & Lawrence and Gales & Son are in nomination for the appointment; which proposition to ballot was not agreed to.

Mr. Speight, of Greene, presented the following resolution:

Resolved, That it be referred to a select joint committee of both Houses of this General Assembly, to inquire whether any, or what contract was made with Joseph Gales & Son, State Printers, at the last session of the General Assembly; and that they also inquire for what price the public printing can be obtained.

Mr. Forney moved to amend the resolution, by striking out all the words from the word "inquire," in the 4th line, to the word "for," in

the 8th line; which was not agreed to. The question then recurred on the adoption of the resolution; which was determined in the affirmative, and Messrs. Speight, of Greene, Seawell, Forney, Love, and Jones, of Wilkes, were appointed the said committee on the part of the Senate.

On motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing that a balloting take place at the meeting of the two Houses to-morrow morning, for a public Treasurer and Comptroller, for the ensuing year, and nominating John Haywood, as Public Treasurer, and Joseph Hawkins for Comptroller.

Received from the House of Commons, a message, stating that Mr. Williamson and Mr. Wilcox form the committee on the part of that House to conduct the balloting for a Governor for the ensuing year; also that they have passed a resolution in favor of Amos Jackson, of the county of Stokes; in which they ask the concurrence of the Senate. Thereupon the said resolution was read and agreed to, and ordered to be enrolled.

The bill to incorporate the trustees of the Colerain Academy, in the county of Bertie, being an engrossed bill from the House of Commons, was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons, the annual report of the Public Treasurer, accompanied with a proposition from that House that the same be referred to the committee of Finance, and that it be printed, with the exposes and statements, for the use of the members; which was agreed to by the Senate.

Mr. Forney presented the petition of sundry inhabitants of the county of Lincoln, praying the passage of a law for the incorporation of the town of Lincolnton, accompanied with a bill to carry the prayer of the petitioners into effect; which were referred to the committee on the Judiciary.

Received from the House of Commons, a resolution, in the following words, to wit:

Resolved, That the committee of Finance be instructed to inquire into the expediency of providing by law that licenses to retailers shall be signed by the Comptroller, and issued and accounted for by the Sheriffs of the several counties in this State, in the same manner that pedlars' licenses are now signed, issued and accounted for.

Which resolution was agreed to by the Senate.

Received from the House of Commons, the resignation of Clinton Hartley, as Colonel Commandant of the militia of Burke county and Jeremiah Pearsall, as Major of the militia of Duplin county; which were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

THURSDAY, DECEMBER 1, 1825.

The Senate met.

Mr. Speight, of Craven, from the committee appointed to conduct the balloting for a Governor of the State for the ensuing year, reported that Hutchins G. Burton was duly elected; which report was concurred in.

Mr. M'Dowell, of Burke, presented the petition of sundry inhabitants of the county of Burke, on the subject of the State road from Fayetteville to Morganton; which was referred to the committee on Internal Improvement.

Mr. Matthews presented the petition of Elizabeth Brickell, praying to be divorced from her husband Samuel Brickell; which was referred to the committee of Divorce and Alimony.

Mr. Howell presented the petition of sundry inhabitants of the county of Wayne, praying the passage of a law to restore to credit George Jernigan; which was referred to the committee of Propositions and Grievances.

The bill to emancipate a girl of colour, named Eliza, was read the second time, and, on motion of Mr. Spaight, of Craven, the same was indefinitely postponed.

The Resolution in favor of Matthew Miller, of Mecklenburg county, was read the second time and passed.

The bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof, and for other purposes, was read the second time and passed; and the same being read the third time, Mr. Boykin moved to strike out the second and third sections of the bill; and Mr. Wilson, of Edgecombe, moved that the bill, with the amendment under consideration, be laid on the table; which was agreed to.

Received from the House of Commons, a message, stating that they agree to the resolution of the Senate to raise a select joint committee to inquire whether any, and what contract was made with Joseph Gales & Son, State Printers, at the last session of the General Assembly, &c. and that they have appointed Messrs. Scott, Bain, Blount, Cowan and Martin, to form the said committee on the part of that House.

Received from the House of Commons, a message, proposing that a select joint committee be appointed to wait on his excellency Hutchins G. Burton, and inform him of his election as Governor of the State for the ensuing year, and to inquire of him at what time it will be agreeable to him to take the oaths of his qualification; and appointing Messrs. Picot, Miller and Williamson to form the committee on the part of that House. Thereupon Messrs. Davidson of Mecklenburg, Legrand and Speight of Greene, were appointed the committee on the part of the Senate.

Received from the House of Commons, a report from the Comptroller, accompanied with a proposition from that House that the exhibit of monies expended in the respective counties in support of the poor be printed, one copy for each member of the Assembly; which proposition was agreed to by the Senate.

The bill to repeal an act, passed in 1824, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for laying a tax for the same;" the bill to repeal, in part, an act passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe;" the bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof; and the bill to incorporate Ebenezer Academy, in the county of Person, were severally read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to establish Oak Grove Academy, in the county of Greene, and to incorporate the trustees thereof; a bill compelling the Register of Rowan county to keep his office in the Court-House of said county; a bill to locate the Poor House of Davidson county; and a bill to declare in force, in the county of Rowan, the provisions of an act, passed

in the year 1824, entitled "an act to regulate the time of appointing Overseers of roads in the counties of Montgomery and Person;" in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

Mr. Wilson, of Edgecombe, presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law to prevent the sale of Lottery Tickets in this State; and that they report by bill or otherwise.

Which was agreed to.

On motion of Mr. M'Dowell, of Burke, the name of Wm. B. Hill was added to the nomination for the appointment of Comptroller.

Mr. Parker presented a bill to extend the time for registering of grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; which was read the first time and passed; and Mr. Hill, of Franklin, presented a bill to amend an act, passed in 1822, entitled "an act to make compensation to the jurors of the counties of Franklin and Camden; which was read the first, second and third times and passed, and ordered to be engrossed.

The engrossed bill to keep open French Broad river, in the county of Buncombe, was read the second time. Mr. M'Dowell moved that the bill be amended, by adding the words "*up to the three forks of the same,*" after the word "river," in the sixth line of the first section; which was agreed to. Mr. Love moved to further amend the bill, by adding the following words in the title of the bill, after the word "Buncombe," to wit: "and the Tennessee river, in the county of Haywood, for the passage of fish," and to add a second section to the bill, in the following words: "And be it further enacted, that all persons having fish-traps on the Tennessee river, in the county of Haywood, from the Tennessee boundary line to the mouth of the Sugar Town Fork, thence up the Sugar Town Fork to the mouth of Ellijay creek, shall be required so to construct their dams that one fourth of the whole width of the river shall be open and free for the passage of fish after the first day of April next, under the same pains and penalties, and to be recovered in the same manner as prescribed in the first section of this act." Which amendments were agreed to. The question then recurred on the passage of the said bill the second time; which was determined in the affirmative. Thereupon the said bill was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The bill to amend the several acts of Assembly, passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's ford, in the county of Wilkes, and for other purposes, was read the second and third times and passed, and ordered to be engrossed.

The Senate entered upon the orders of the day, and the bill to amend an act for the better care of orphans, and security and management of their estates, was read the second time, and amended, on motion of Mr. Seawell, by adding the following provisions to the bill, to wit: "provided always, that nothing contained in this act shall in any wise affect the liability which the justices composing the Courts are subject to, according to the existing law, for not taking sufficient security from guardians."

The question then recurred on the passage of the bill the second time; which was determined in the affirmative. Thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Sneed presented the resignation of Thomas J. Hicks, as Colonel Commandant of the militia of Granville county; which was read and accepted by the Senate, and sent to the House of Commons.

Received from the House of Commons, the resignation of James Holland, as Lieutenant Colonel of the first regiment of the militia of Lincoln county, which was read and accepted by the Senate.

The Senate adjourned to ten o'clock, to-morrow morning.

FRIDAY, DECEMBER 2, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the following bills, to wit: A bill to amend the several acts of Assembly, passed to extend and improve the State road leading from Wilkesborough to the foot of Laurel Hill, by the way of Holman's ford, in the county of Wilkes, and for other purposes; a bill to repeal in part an act passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe;" a bill to amend an act for the better care of orphans, and security and management of their estates; a bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for laying a tax for the same;" a bill to amend an act, passed in 1822, entitled "an act to make compensation to the jurors of the counties of Franklin and Camden; and a bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof; in which they ask the concurrence of that House.

Mr. Buddie presented the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending an act, passed in the year 1819, entitled "an act to prevent fraudulent trading with slaves, so far as to prevent slaves from selling Cotton to any person, except their master, mistress, or other person, having the management of such slave or slaves.

Which was agreed to.

Received from the House of Commons a message, stating their agreement to the proposition of the Senate to ballot for a Public Treasurer and Comptroller; and that the name of Wm. H. Hill is added to the nomination for Comptroller. Thereupon Mr. Hill, of Franklin, and Mr. Melvin were appointed superintendants of the balloting on the part of the Senate.

Mr. Davidson, of Mecklenburg, presented the following resolution:

Whereas the General Government is going on gradually to furnish arms for the whole body of the militia, it is highly important that their organization and discipline should be more perfect than what it is at this time, the encouragement of uniform volunteer regiments, as well as volunteer companies, in different parts of the State, might have a salutary effect;

Resolved, therefore, That the committee on the Militia Laws and Public Arms be instructed to inquire into the expediency of amending the militia laws, so that in each brigade there shall be one regiment of uniform volunteers, to which all companies of riflemen, artillery and grenadiers, now in each brigade, shall be attached, and form a part; and to which regiments the public arms of the State shall be dis-

tributed, under sufficient responsibility for their safe keeping; and said regiments, when formed, shall, at all times, be subject to the call of the State for the purpose of suppressing insurrection, invasion, &c. and that the committee report by bill or otherwise.

Which resolution was agreed to.

Received from the House of Commons, a message, proposing that the balloting for Treasurer and Comptroller be separated; and that the Treasurer alone be balloted for this morning, and stating that the name of Jno. G. A. Williamson, of Person county, is added to the nomination for Comptroller, and that Mr. W. T. Williams and Mr. Cowan form the committee to conduct the balloting on the part of that House, and have received the votes of the House of Commons for Treasurer. Which proposition was not agreed to by the Senate.

Mr. Dowd presented the following resolution:

Resolved, That the Secretary of State be, and is hereby authorised and required to issue a grant to Dugald McFarland, for one hundred acres of land, situate, lying and being in the county of Moore, agreeably to the entry and survey heretofore made.

Which was referred to the Committee of Claims.

Mr. Parker, from the committee of Divorce and Alimony, reported a bill to divorce Elizabeth Brickell from her husband Samuel Brickell, and to alter her name; which was read the first time and passed.

Mr. Parker, from the same committee, reported a bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson, and a bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire. Which bills were severally read the first time and passed.

Mr. Parker, from the same committee, reported unfavorably to the prayer of the petition of William Baldwin, praying to be divorced from his wife Amelia; which was concurred in.

Mr. Gilchrist, from the committee of Claims, to whom was referred the petition of Thomas C. Dunn and George C. Mendenhall, reported the following resolution, to wit:

Resolved, That the public Treasurer pay to Thomas C. Dunn and the guardian of James Ruffin Mendenhall, heirs of Barnaba Dunn, the sum of two hundred and sixty-seven dollars and forty two cents, being the amount of purchase money paid into the Treasury by Barnaba Dunn for eight thousand nine hundred and fourteen acres of land, previously purchased by, and granted to Murry Crymble and James Hewey; and that he be allowed the same in the settlement of his accounts.

Which was read the first time and passed.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Wayne county, in favor of George Jernigan, reported a bill to restore to credit George Jernigan, of Wayne county; which was read the first time and passed.

Mr. Speight, of Greene, from the committee of Finance, to whom was referred a bill to repeal an act, passed in the year 1818, entitled "an act fixing the sum hereafter to be paid to the State for vacant lands," reported the said bill without amendment; which was made the order of the day for to-morrow.

Mr. Davidson, of Iredell, presented the memorial of sundry inhabitants of Iredell county, praying for the improvement of a road leading from Smith's, in Iredell county, to David Law's, in Wilkes county; which was referred to the committee on Internal Improvement.

Mr. Hawkins presented the resignation of Stephen Turner, as Justice of the Peace for the county of Warren; which was read and accepted, and sent to the House of Commons.

The Senate resolved itself into a committee of the whole House, Mr. Wilson, of Edgecombe, in the chair, to take into consideration the bill to advance the administration of justice in Courts of Equity, and to establish a Court for that purpose; and, after some time spent therein, the committee rose, reported progress, and asked leave to sit again; which was agreed to.

Mr. Sneed presented the petition of Horace A. Burton, of Granville county, executor of Robert Burton, deceased, praying compensation for certain services rendered by his testator in the revolutionary war; which, with the accompanying documents, was referred to the committee of Claims.

Thereupon the Senate adjourned to 10 o'clock, to-morrow morning.

SATURDAY, DECEMBER 3, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to incorporate Ebenezer Academy, in the county of Person, in which they ask the concurrence of that House.

Mr. Speight, of Greene, from the joint select committee, to whom was referred the resolution of the Senate, directing an inquiry whether any, or what contract was made with Joseph Gales & Son, at the last Session of the General Assembly, for the public printing; and also to inquire for what price the public printing can be obtained, made a report thereon; which was read, and ordered to be sent to the House of Commons.

Mr. Love presented the petition of William Welch; which was referred to the committee of Propositions and Grievances.

Mr. Pickett, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of passing a law to prevent the sale of Lottery Tickets in this State, reported that it is inexpedient to legislate upon the subject; which was agreed to.

Mr. Pickett, from the same committee, to whom was referred the resolution of the Senate, instructing them to inquire into the expediency of amending the several acts of this State, so far as relates to gaming in public houses, reported that it is inexpedient to add to the penalties already prescribed by law to restrain this pernicious vice. Mr. Boddie moved that the resolution be recommitted to the same committee, which was not agreed to. The question then recurred on concurring in the report; which was determined in the affirmative.

Received from the House of Commons, a message, proposing that a balloting be had immediately for a Public Printer for the ensuing year; which proposition was agreed to, and Mr. Hill, of Franklin, and Mr. Bethune were appointed superintendants of the balloting on the part of the Senate; and a message was received from the House of Commons, stating that Mr. Scott and Mr. Bain were appointed superintendants of the balloting on the part of that House.

Mr. Boykin moved that a committee be appointed on Agriculture; which was agreed to. Thereupon Messrs. Forney, Boykin, Love, Ward and Sanders was appointed the said committee.

Received from the House of Commons, a memorial or representation of the Grand Jury of Chatham county, on the subject of a Penitentiary, accompanied with a proposition from that House that the same be referred to a joint select committee, and appointing on the part of that House Messrs. Underwood, Polk, Spruill, Miller and Marshall to form the said committee. Thereupon Messrs. Gilchrist, Joiner, Hogan, Montgomery, and Hill of Stokes were appointed the committee on the part of the Senate.

On motion of Mr. Hill, of Stokes, a message was sent to the House of Commons, proposing that the superintendents of the balloting for a Public Printer be directed to wait on the sick members, to receive their ballots.

A message was received from the House of Commons, stating their disagreement to the said proposition.

Mr Speight, of Greene, presented the following resolution:

Resolved, That a select joint committee be appointed to inquire into the expediency of altering the time of the meeting of the General Assembly, and that they report by bill or otherwise.

Which was agreed to, and Messrs. Speight, of Greene, Love, Forney, Pickett, and Hill, of Franklin, were appointed the committee on the part of the Senate.

Received from the House of Commons, a resolution, reported by the committee of Finance, in the following words, to wit: "*Resolved*, that it is not expedient at this time to reduce the tax on Peddlars by land, or on those who peddle or hawk goods, &c. on the navigable streams of this State;" which was agreed to by that House, and the same was read and agreed to by the Senate.

Received from the House of Commons, a message, stating that they agree to the several amendments made by the Senate to the engrossed bill to keep open French Broad River, in the county of Buncombe. Thereupon it was ordered, that the said bill be enrolled.

Mr. Parker, from the committee of Divorce and Alimony, reported a bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire; which was read the first time and passed.

Mr. Riddick presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of making some provision by law, so as to enable executors and administrators to settle the estate of deceased persons, in such manner as will secure the faithful execution of such trusts, and at the same time enable executors and administrators to be relieved from their responsibilities.

Which was agreed to.

The resolution in favor of Matthew Miller, of Mecklenburg county, was read the third time and passed, and ordered to be engrossed.

Mr. Montgomery presented the petition of Rachael Dickey, of Orange county, praying to be divorced from her husband Moses Dickey; which was referred to the committee of Divorce and Alimony.

The bill to divorce Elizabeth Brickell from her husband Samuel Brickell, and to alter her name, was read the second and third times and passed; and ordered to be engrossed.

The following bills were presented, to wit: by Mr. M'Dowell, of Burke, a bill to establish a poor house in the county of Burke; by Mr. Alexander, a bill to amend the road laws; by Mr. Hill, of Stokes, a bill to incorporate the Agricultural Society of Stokes county; and by Mr. Sneed, a bill concerning the entry of land in this State. Which bills were severally

read the first time and passed; and the last mentioned bill was, on motion of Mr. Sneed, referred to the committee on Internal Improvement, and the bill to amend the road laws, was referred to the committee on the Judiciary.

The Senate resolved itself into a Committee of the Whole, Mr. Wilson in the Chair, to take into consideration the unfinished business of yesterday, being a bill to advance the administration of Justice in Courts of Equity, and to establish a Court for that purpose; and, after some time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Wilson, Chairman of the committee of the whole House, reported the said bill with sundry amendments; which were agreed to by the Senate.

Thereupon the Senate adjourned to ten o'clock, on Monday morning next.

MONDAY, DECEMBER 5, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to divorce Elizabeth Brickell, of Halifax county, from her husband Samuel Brickell, and to alter her name; also the resolution in favor of Matthew Miller; in which they ask the concurrence of that House.

On motion of Mr. Wilson, of Edgecombe, Mr. Matthews, the Senator from the county of Halifax, obtained leave of absence from the services of this House until Tuesday next, including this day.

Mr. Speight, of Greene, from the committee appointed to wait on the Honorable Hutchins G. Burton, and inform him of his election to the office of Governor of the State, and to know of him when he will attend to take the oaths prescribed by law, reported that they are authorised to state, that he will attend for that purpose in the Hall of the House of Commons at twelve o'clock to-morrow.

Received from the House of Commons, a message, proposing that a select joint committee be appointed, for the purpose of inquiring into the propriety of establishing a Medical Board for the State, and informing that Messrs. Scott, Ashe, W. W. Jones, Allen and Wilson form the committee on the part of that House. Thereupon Mr. Spaight, of Craven, Mr. Dowd, Mr. Shuford, Mr. Montgomery, and Mr. M'Dowell, of Buncombe, were appointed the committee on the part of the Senate.

Mr. Bethune, from the committee appointed to conduct the balloting for a Public Printer for the ensuing year, reported that Bell & Lawrence was duly elected; which report was concurred in.

Received from the House of Commons, a message, proposing that a balloting take place immediately for a Public Treasurer for the ensuing year; which proposition was agreed to, and Mr. Davenport and Mr. Shuford were appointed the committee on the part of the Senate to conduct the said balloting; and a message was received from the House of Commons, informing that Mr. Jones and Mr. Bozman form the committee to conduct the balloting on the part of that House.

Mr. Davidson, of Mecklenburg, presented the following resolution, to wit:

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating a part of the public funds of the State towards

improving the public road from Fayetteville west, by way of Wadesborough, Charlotte, Lincolnton, Morganton, &c. and that they report by bill or otherwise.

Which was agreed to.

Mr. Poindexter presented the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws of this State on the subject of Usury, as not to impose any other penalty on those who loan money, than a forfeiture of the interest on the sum loaned.

Which was agreed to.

Mr. Hawkins presented the certificate of an allowance, made by the County Court of Warren, in favor of Elizabeth Harris, widow of Burwell Harris, a soldier in the revolutionary war; which was read, and, on motion of Mr. Hawkins, the same was countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Davenport, from the committee appointed to conduct the balloting for a Public Treasurer, reported that John Haywood was duly elected; which report was concurred in.

Received from the House of Commons, a message, proposing that a balloting take place immediately for a Comptroller for the ensuing year; which was agreed to, and Mr. Montgomery and Mr. Vanhook were appointed superintendants of the balloting on the part of the Senate; and a message was received from the House of Commons, informing that Mr. Durgan and Mr. Webb are appointed superintendants on the part of that House.

Received from the House of Commons, a message, stating their concurrence with the resolution of the Senate, proposing to raise a joint select committee to inquire into the expediency of altering the time of the meeting of the General Assembly; and that they have appointed to form the said committee, on the part of that House, Messrs. Polk, Barnett, Elliott, Gary and Gause.

Mr. Riddick presented the petition of John Stallings, of the county of Perquimons, on the subject of a road therein mentioned; which was referred to the committee of Propositions and Grievances.

Mr. Love presented the petition of Susannah Tindal, praying to be divorced from her husband, James Tindal; which was referred to the committee of Divorce and Alimony.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, reported a bill to restore to credit Thomas Bennett, of Stokes county; which was read the first time and passed.

Mr. Hill, of Stokes, presented a bill to authorise the County Court of Stokes to appoint a committee of Finance; which was read the first time and passed.

The bill to restore to credit George Jernigan, of Wayne county; and a bill to establish a poor house in the county of Burke, were severally read the second time and passed.

The bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson; the bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire; the bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire; and the bill to incorporate the Agricultural Society of Stokes county, were severally read the second and third times and passed, and ordered to be engrossed.

The Senate entered upon the orders of the day, and the bill to advance the administration of justice in Courts of Equity, and to establish a Court for that purpose, was read the second time; and, on motion of Mr. Wilson, of Edgecombe, the said bill was ordered to be laid on the table.

The bill to repeal an act passed in the year 1818, entitled "An act fixing the sum hereafter to be paid to the State for vacant lands, was read the second time; and, on motion of Mr. Speight, of Greene, the same was indefinitely postponed. And upon this question, the yeas and nays were demanded by Mr. M'Dowell, of Burke, and are as follows:

For the indefinite postponement of the bill, are Messrs Alexander, Boddie, Copeland, Davenport, Forney, Gibbs, Gilchrist, Hargrave, Harrell, Hogan, Hill of Stokes, Howell, Joiner, Jones of Rowan, Legrand, Leak, Marsh, M'Daniel, Parker, Pool, Riddick, Salyear, Sneed, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Seawell, Vanhook, Williams, Wilson of Camden, Wilson of Edgecombe—Yeas 32.

Against the indefinite postponement of the bill, are Messrs. Bethune, Baughn, Boykin, Beasley, Davis, Davidson of Iredell, Davidson of Mecklenburg, Dowd, Devane, Formyduval, Jones of Wilkes, Love, Melvin, M'Dowell of Buncombe, M'Dowell of Burke, Montgomery, Pickett, Poindexter, Smith, Shuford, Ward—Nays 21.

The bill to extend the time for registering of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of N. G. Rand, Major of the first regiment of the militia of Wake county; which was read and accepted by the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

TUESDAY, DECEMBER 6, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson; a bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire; a bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire; a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; and a bill to incorporate the Agricultural Society of Stokes county; in which they ask the concurrence of that House.

Mr. Vanhook, from the committee appointed to conduct the balloting for a Comptroller, reported that Joseph Hawkins was duly elected; which was concurred in.

Mr. Gilchrist, from the committee of Claims, to whom was referred the petition of William Bullock, praying compensation for services rendered by him as commissary to a detachment of militia, ordered from the county of Granville to Newbern in August, 1813, reported unfavorable to the prayer of the petitioner; which was concurred in. Mr. Sneed moved that the petitioner have leave to withdraw the documents accompanying his petition; which was agreed to.

Mr. Gilchrist, from the same committee, to whom was referred the resolution of the Senate of the 2nd instant, in favor of Dugald M'Farland, reported the said resolution, and recommended its adoption. Thereupon the resolution was agreed to, and ordered to be engrossed.

Mr. Gilchrist, from the same committee, to whom was referred the petition of Horace A. Burton, executor of Robert Burton, deceased, of Granville county, praying compensation for services rendered by the testator in the revolutionary war, reported unfavorable to the prayer of the petitioner. Mr. Sneed moved that the petition and documents be recommitted to the same committee; and Mr. Forney moved that the same be laid upon the table; which was agreed to.

Mr. Love presented the petition of Lindsey Fortune, of Haywood county, praying to be restored to credit; which was referred to the committee of Propositions and Grievances.

The following bills were presented, to wit: By Mr. Riddick, a bill for the improvement of the navigation of Perquimons River, above Newby's Bridge; by Mr. Smith, a bill making compensation to the Jurors of the Superior and County Courts of Ashe county; by Mr. Hill, of Stokes, a bill to revive and continue in force the provisions of an act, passed in 1818, entitled "An act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough, and to amend the same;" by Mr. Poindexter, a bill to regulate the Courts of Pleas and Quarter Sessions of Surry county; and by Mr. Seawell, a bill to raise a fund to complete the navigation of Neuse River, from Turner's Bridge, in Johnston county, to Cobbs' Mill, in Wake county. Which bills were severally read the first time and passed, and the last mentioned bill was, on motion of Mr. Seawell, referred to the committee on Internal Improvement.

Received from the House of Commons, the report of the Adjutant General of this State, accompanied with a proposition from that House that the same be printed, one copy for each member of this General Assembly; which was agreed to by the Senate.

Received from the House of Commons, a message, proposing that the select joint committee appointed to wait on his Excellency the Governor, and inform him of his re-election, be directed to wait on him, and to conduct him into the Commons Hall, at twelve o'clock, this day, for the purpose of his qualification; which was agreed to by the Senate.

The hour having arrived that the Governor intimated he would attend the Legislature, for the purpose of his qualification as Governor of the State for the ensuing year, and the Senate being informed that the House of Commons is in readiness to receive the Senate on the occasion; thereupon the two Houses convened in the Hall of the House of Commons, when the necessary oaths prescribed by law were administered to the Governor by the Honorable John L. Taylor, Chief Justice of the Supreme Court of this State. After which the Senate returned to their Chamber for the purpose of legislation.

Received from the House of Commons, a message, stating that they have passed a bill to establish a poor and work house in the county of Bertie; a bill to incorporate Line Academy, in the county of Sampson; a bill to repeal in part an act, passed in the year 1820, entitled "an act to authorize and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough to organize and keep up fire engines;" a bill to repeal so much of the law now in force as provides for the payment of talismen jurors in the County or Superior Courts, so

far as relates to the county of New-Hanover; a bill to establish Lexington Academy, in the county of Davidson, and to incorporate the trustees thereof; a bill allowing compensation to the jurors of the Superior and County Courts of Martin county; and a bill to authorise the trustees of the Salisbury Academy to raise, by way of lottery, ten thousand dollars; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to amend the several acts of Assembly, passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's ford, in the county of Wilkes, and for other purposes, with an amendment, to strike out the words "*and made void,*" in the last line of the last section but one; in which they ask the concurrence of the Senate. Thereupon the amendment was agreed to, and the House of Commons was informed thereof by message.

The bill to restore to credit George Jernigan, of Wayne county, was read the third time, and it was resolved by the Senate that this bill shall not pass.

The bill to restore to credit Thomas Bennett, of Stokes county, was read the second time. Mr. Hill, of Franklin, moved that the bill be indefinitely postponed; which was not agreed to. Thereupon the same was passed the second and third times, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to authorise the County Court of Perquimons to distribute and apportion the lands belonging to the inhabitants of the town of Hertford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner; a bill to establish a distinct militia company and battalion muster in the county of Carteret; a bill to divorce John Chambers, of the county of Haywood, from his wife Ramey; and a bill to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first time and passed.

The bill to establish a poor house in the county of Burke, was read the third time and passed, and ordered to be engrossed.

The engrossed bills, to wit: A bill to establish a distinct militia company and battalion muster in the county of Carteret; a bill to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland; a bill to establish a poor and work house in the county of Bertie; a bill to incorporate Line Academy, in the county of Sampson; a bill to establish Lexington Academy, in the county of Davidson, and to incorporate the trustees thereof; a bill to repeal so much of the law now in force as provides for the payment of talismen jurors in the County or Superior Courts, so far as relates to the county of New-Hanover; and a bill to repeal in part an act, passed in the year 1820, entitled "an act to authorise and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough to keep up fire engine companies, were severally read the second and third times and passed, and ordered to be enrolled.

The bill for the improvement of the navigation of Perquimons river above Newby's bridge; and the bill making compensation to the jurors of the Superior and County Courts of Ashe county, were severally read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to authorise the County Court of Perquimons to distribute and apportion the hands belonging to the inhabitants of the town of Hertford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner, was read the second time, and, on motion of Mr. Riddick, was referred, together with the petition accompanying the same, to the committee of Propositions and Grievances.

The bill to authorise the County Court of Stokes to appoint a committee of Finance, was read the second time and passed.

The bill to revive and continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same, was read the second time and passed, and, on motion of Mr. Jones, of Wilkes, was ordered to be laid on the table.

The bill allowing compensation to the jurors of the Superior and County Courts of Martin county, being an engrossed bill from the House of Commons, was read the second time, and, on motion of Mr. Smithwick, the same was indefinitely postponed.

Received from the House of Commons, the resignation of Thomas D. Kelly, as Colonel Commandant of the first regiment of Surry county; which was read and accepted by the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, DECEMBER 7, 1825.

The Senate met.

On motion of Mr. Hill, of Franklin, Mr. Hawkins, the Senator from Warren county, obtained leave of absence from the services of this House until Friday next, including this day.

A message was sent to the House of Commons, stating that the Senate have passed a bill making compensation to the jurors of the Superior and County Courts of Ashe county; a bill to restore to credit Thomas Bennett, of Stokes county; a bill for the improvement of the navigation of Perquimons river above Newby's bridge; a bill to establish a poor house in the county of Burke; and a resolution in favor of Dugald M'Farland; in which they ask the concurrence of that House.

Mr. Speight, from the committee on the Militia Laws and Public Arms, reported the bill, heretofore referred to them, concerning company musters of militia, without amendment; which was made the order of the day for to-morrow.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of William Welch, of Haywood county, and the petition of Jesse Stallings, of Perquimons county, made reports unfavorable to the prayer of the petitioners; which were concurred in.

Mr. Davidson, from the same committee, to whom was referred the engrossed bill to authorise the County Court of Perquimons to distribute and apportion the hands belonging to the inhabitants of the town of Hertford

on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner, reported the said bill without amendment; and the same being read, it was resolved by the Senate that this bill shall not pass.

Mr. Pickett, from the committee on the Judiciary, to whom was referred a resolution instructing them to inquire into the expediency of amending an act, passed in the year 1819, entitled "an act to prevent fraudulent trading with slaves," reported that it is inexpedient to amend the said act; which was concurred in.

Mr. Pickett, from the same committee, to whom was referred a bill to amend the road laws, reported the said bill without amendment; which was made the order of the day for to-morrow.

Mr. Forney, from the committee on Internal Improvement, to whom was referred the petition of sundry inhabitants of Iredell county, praying for an appropriation of five hundred dollars, to be laid out in improving a road therein mentioned, reported the following resolution: "*Resolved*, that the prayer of the petitioners be not allowed." Which was agreed to.

Mr. Hill, of Franklin, presented the following resolution, to wit:

Resolved, That no bill of a private or local nature shall be offered or received in the Senate, during the present session, after the 15th instant.

Which, on motion of Mr. Vanhook, was ordered to be laid on the table.

Mr. Bethune presented a certificate of an allowance, made by the County Court of Cumberland, in favor of Anne Morrison, widow of Alexander Morrison, a soldier in the Revolutionary war, which was read; and, on motion of Mr. Bethune, the same was countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Seawell presented a bill to legitimate and alter the name of Macon Monroe Walker, of Wake county, the natural son of William Andrews, of the same county; and Mr. Boykin presented a bill directing the manner in which dowers shall hereafter be laid off. Which bills were severally read the first time and passed.

The resolution in favor of Thomas C. Dunn and the guardian of James Rufin Mendenhall, heirs of Barnabas Dunn, was read the second time, and it was resolved by the Senate that this resolution shall not pass. On this question the yeas and nays were demanded by Mr. Jones, of Wilkes, and are as follows:

For the passage of the resolution, are Messrs. Boddie, Baughn, Gilchrist, Hogan, Legrand, Melvin, Pickett, Riddick, Speight of Greene, Whitefield, Ward—Yeas 11.

Against the passage of the resolution, are Messrs. Alexander, Baker, Bethune, Boykin, Beasley, Copeland, Davis, Davidson of Iredell, Davidson of Mecklenburg, Dowd, Devane, Davenport, Formyduval, Forney, Gibbs, Hargrave, Hill of Franklin, Harrell, Hill of Stokes, Howell, Joiner, Jones of Rowan, Jones of Wilkes, Love, Leak, M'Dowell of Buncombe, M'Dowell of Burke, Marsh, M'Daniel, Montgomery, Parker, Pool, Poindexter, Smith, Salyear, Sneed, Spaight of Craven, Sanders, Smithwick, Shuford, Seawell, Vanhook, Williams, Wilson of Camden, Wilson of Edgecombe—Nays 45.

The Senate resolved itself into a committee of the whole House, Mr. Forney in the Chair, to take into consideration the bill concerning the election of Sheriffs; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Forney, the Chairman, reported progress, and asked leave to sit again; which was agreed to. Thereupon it was ordered that the committee sit again on Friday next.

And the Senate adjourned to ten o'clock, to-morrow morning.

THURSDAY, DECEMBER 8, 1825.

The Senate met.

On motion of Mr. Hill, of Franklin, Mr. Howell, the Senator from the county of Wayne, obtained leave of absence from the services of this House, from and after this day, until Saturday next.

On motion of Mr. Hill, of Franklin, the document accompanying the Comptroller's Report on the subject of the poor, &c. was referred to a select committee; and, thereupon, Messrs. Hill, of Franklin, Spaight, of Craven, Whitfield, Legrand and Poindexter were appointed the said committee.

Mr. Riddick presented the following resolution, to wit:

Resolved, That the committee on the Judiciary be directed to inquire into the expediency of so amending the law of descents, that the half blood shall not share equally with the brothers and sisters of the whole blood, upon the death of one of the latter; and that they report by bill or otherwise.

Mr. Forney, from the committee on Internal Improvement, to whom was referred the bill concerning the entry of land in this State, reported the said bill without amendment; which was made the order of the day for to-morrow.

Mr. Wilson, of Edgecombe, presented a bill to regulate the Tarboro' Academy, and for other purposes, and a bill to legitimate Louisa Lodge and Dolly Lodge, children of Josiah Lodge, and William Adams, son of William Adams, of Edgecombe county; which bills were severally read the first time and passed.

The bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof, and for other purposes, was read the third time. Mr. Whitfield moved to strike out the second and third sections of the bill, authorising a lottery; and the question on this amendment was determined in the affirmative. Thereupon the bill was passed the third time, and ordered to be engrossed.

Mr. Speight, of Greene, from the committee on the Militia Laws and Public Arms, reported a bill to repeal part of an act, passed in the year 1806, entitled "An act to revise the Militia Laws of this State relative to Infantry; which was read the first time and passed.

The bill to legitimate and alter the name of Macon Monroe Walker, of Wake county, the natural son of William Andrews, of the same county, was read the second time and passed; and, on motion of Mr. Seawell, was referred to the committee of Propositions and Grievances.

The bill to amend the road laws, was, on motion of Mr. Sneed, made the order of the day for Saturday next.

Received from the House of Commons, a message, stating that they have passed a bill to alter the name of Edwin Newton Daniel, and to legitimate him; in which they ask the concurrence of the Senate. Thereupon the said bill was read the first time and passed.

Mr. Hill, of Stokes, moved that the bill to authorise the County Court of Stokes to appoint a committee of Finance, be referred to a select committee; which was agreed to, and Messrs. Hill, of Stokes, Parker, Baughn, Wilson, of Camden, and M'Daniel, were appointed the said committee.

On motion of Mr. Hill, of Stokes, the Senate proceeded to the consideration of the bill to revive and continue in force the provisions of an act, passed in 1818, entitled "An act directing a road to be laid out and

opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same. And the said bill being read the third time, Mr. Hill, of Stokes, moved to strike out all the words of the first section after the word "*opening*," in the 24th line thereof, and to insert the following, to wit: "*said road, which, when opened, shall be subject to the same rules and regulations as are now prescribed by law for keeping in repair all other public roads in this State.*" Which amendment was agreed to. The question then recurred on the passage of the bill the third time; which was determined in the affirmative, and the same was ordered to be engrossed.

The bill to regulate the Tarborough Academy, and for other purposes, was read the second time. Mr. Hill, of Franklin, moved to strike out the second and third sections of the bill, authorising a lottery; and the question on agreeing to this amendment was determined in the affirmative. Thereupon the said bill was passed the second and third times, and ordered to be engrossed.

The bill directing the manner in which dowers shall hereafter be laid off, was read the second time, and, on motion of Mr. Sneed, referred to the committee on the Judiciary.

The bill to legitimate Louisa Lodge and Dolly Lodge, children of Josiah Lodge, and William Adams, son of William Adams, of Edgecombe county, and the bill concerning company musters of militia, were severally read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Speight, of Greene, the Senate proceeded to the consideration of the bill to advance the administration of justice in Courts of Equity, and to establish a Court for that purpose; and the same being read, Mr. Dowd moved that the bill be indefinitely postponed; which was not agreed to. The yeas and nays on this question being demanded by Mr. Formyduval, are as follows:

For the indefinite postponement of the bill, are Messrs. Baker, Baughn, Boykin, Copeland, Davidson of Iredell, Dowd, Devane, Davenport, Formyduval, Gibbs, Harrell, Hogan, Melvin, Marsh, Montgomery, Pool, Riddick, Smith, Sanders, Smithwick, Vanhook, Williams, Wilson of Camden, Whitfield, Ward—Yeas 25.

Against the indefinite postponement of the bill, are Messrs. Alexander, Bethune, Boddie, Beasley, Davis, Davidson of Mecklenburg, Forney, Gilchrist, Hargrave, Hill of Franklin, Hill of Stokes, Joiner, Jones of Rowan, Jones of Wilkes, Love, Legrand, Leak, M'Dowell of Buncombe, M'Dowell of Burke, M'Daniel, Pickett, Parker, Poin-dexter, Salycar, Sneed, Spaight of Craven, Speight of Greene, Shuford, Seawell, Wilson of Edgecombe—Nays 30.

The question then recurred on the passage of the bill the second time; which was determined in the affirmative. Thereupon, on motion of Mr. Dowd, it was ordered that the further consideration of the said bill be postponed until Monday next.

The engrossed bill to alter the name of Edward Newton Daniel, of Rowan county, and to legitimate him, was read the second and third times and passed, and ordered to be enrolled.

The Senate adjourned to ten o'clock, to-morrow morning.

FRIDAY, DECEMBER 9, 1825.

The Senate met.

On motion of Mr. Hill, of Franklin, Mr. Boddie, the Senator from the

county of Nash, obtained leave of absence from the services of this House, from and after this day, until Monday next.

Mr. Speight, of Greene, from the joint select committee appointed to inquire into the expediency of altering the time of the meeting of the General Assembly, reported "a bill to alter the time of the annual meeting of the General Assembly;" which was read the first time and passed.

The following bills were presented, to wit: By Mr. Speight, of Greene, a bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes; by Mr. Davenport, a bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; by Mr. Gilchrist, a bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new jail; and by Mr. Beasley, a bill to provide more effectually for the poor of Tyrrell county. Which bills were severally read the first time and passed, and the bill first above mentioned, which relates to free persons of colour, was, on motion of Mr. Speight, of Greene, committed to a committee of the whole House, and made the order of the day for Wednesday next, and ordered to be printed.

Received from the House of Commons, a report of the joint committee of Finance, to whom was referred the message of the Governor of the 28th November, with the accompanying papers, in relation to the expenses attending the reception of General Lafayette, stating that they find the account of disbursements appended to the Adjutant General's report is correct and fully supported by the vouchers exhibited to them. Which report was concurred in by the Senate.

Received from the House of Commons, a message, stating that they have passed a bill to cede to the United States an island, called Oak Island, or so much thereof as shall be purchased by the United States for the purpose of erecting a fortification at the mouth of Cape-Fear river; a bill to repeal an act passed in 1824, entitled "an act to regulate the patrol of Ashe and New-Hanover counties; a bill to cede to the United States a certain tract of land, called Bogue Banks; a bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes, so far as relates to the county of Richmond;" a bill to incorporate Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county; a bill to incorporate University Lodge, number eighty, in the county of Orange; and a bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan; also a resolution relative to the town of Fayetteville; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first time and passed, and the resolution was agreed to and ordered to be enrolled.

Received from the House of Commons, a message, proposing that the bill to repeal, in part, an act passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes, and Ashe," be referred to a joint select committee, and stating that they have appointed Messrs. Miller, Wilson, Love, Whitaker and L. Simmons, to form the committee on the part of that House; which proposition was agreed to, and Messrs. M'Dowell, of Burke, M'Dowell, of Buncombe, Love, Smith, and Jones, of Wilkes, were appointed the committee on the part of the Senate.

Mr. M'Daniel presented the petition of John Mallard, of Jones county, praying that two of his children therein named be legitimated; which was referred to the committee of Propositions and Grievances.

Mr. Spaight, of Craven, presented the following resolution, to wit:

Resolved, That the committee on the Judiciary inquire into the expediency of making provision for the better preservation of justices' judgments and executions, where slaves shall be sold to satisfy the same.

Which was agreed to.

The bill to authorise the County Court of Robeson to perfect title for land, whereon to erect a new jail; the bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; and the bill to provide more effectually for the poor of Tyrrell county, were severally read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of Willis Whitaker, as Colonel Commandant of the first Regiment of Militia of Wake county; also, the resignation of Nathaniel Souls, of Columbus county, and Beuajah Herring, of Wayne county, Justices of the Peace; which were severally read and accepted by the Senate.

The Senate resolved itself into a committee of the Whole House, Mr. Forney in the Chair, on the unfinished business of Wednesday last, being a bill *concerning the election of Sheriffs*; and, after some time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Forney, the Chairman, reported progress and asked leave to sit again; which was agreed to. Thereupon it was ordered that the committee sit again on to-morrow.

Exum Hollamon, the Senator from the county of Northampton, appeared, produced the certificate of his election, was qualified, and took his seat.

The Senate adjourned to 10 o'clock, to-morrow morning.

SATURDAY, DECEMBER 10, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill concerning Company Musters of Militia; a bill to regulate the Tarborough Academy, and for other purposes; a bill to provide more effectually for the poor of Tyrrell county; a bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; a bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new jail; a bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof; and a bill to legitimate Louisa Lodge and Dolly Lodge, children of Josiah Lodge, and William Adams, son of William Adams, of Edgecombe county; in which they ask the concurrence of that House.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of Lindsey Fortune, reported a bill to restore to credit Lindsey Fortune, of Haywood county; which was read the first time and passed.

Mr. Love presented the petition of Susanna Sharp, praying to be divorced from her husband Thomas Sharp; and Mr. Montgomery presented the petition of Sarah M'Cully, praying that the property she may hereafter ac-

quire be secured to her. Which petitions were severally referred to the committee of Divorce and Alimony.

Mr. M'Daniel presented a bill to amend an act, passed in 1803, entitled "An act to incorporate the town of Trenton, in Jones county," and a bill in addition to the several acts heretofore passed concerning the town of Trenton, in Jones county; Mr. Salyear presented a bill to amend an act, passed in the year 1818, entitled "An act respecting the Superior Courts of Law and Equity of the counties of Currituck, Martin and Nash;" Mr. Dowd presented a bill more effectually to suppress sabbath breaking; and Mr. Jones, of Wilkes, presented a bill to appoint commissioners to contract for the building of a new Court House in the county of Wilkes, to fix the site for the same, and for other purposes. Which bills were severally read the first time and passed.

The engrossed bill to repeal an act, passed in the year 1824, entitled "An act to regulate the patrol of Richmond county, and for other purposes, so far as relates to the county of Richmond," was read the second time. Mr. Leak moved to strike out all the words from the word "repeal," in the first line of the title of the bill, and insert the following, to wit: "all the private acts heretofore passed for the regulation of the patrol of Richmond county." "Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all private acts heretofore passed for the regulation of the patrol of Richmond county, be, and the same are hereby repealed, so far as they relate to said county." Which amendment was agreed to. Thereupon the said bill passed the second and third time, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to repeal an act, passed in 1824, entitled "An act to regulate the patrol of Ashe and New-Hanover counties," was read the second time; and, on motion of Mr. Devane, the same was indefinitely postponed, and the House of Commons was informed thereof by message.

The bill to amend an act, passed in 1803, entitled "An act to incorporate the town of Trenton, in Jones county;" and the bill in addition to the several acts heretofore passed concerning the town of Trenton, in Jones county, were severally read the second and third times and passed, and ordered to be engrossed.

The bill to restore to credit Linsley Fortune, of Haywood county, was read the second time, and it was resolved by the Senate, that this bill shall not pass.

The engrossed bill to incorporate Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county, and the bill to incorporate University Lodge, number eighty, in the county of Orange, were severally read the second and third times and passed, and ordered to be enrolled.

The Senate entered upon the orders of the day, and Mr. Davidson, of Mecklenburg, moved that the bill concerning the election of Sheriffs be postponed to Monday next; which was not agreed to. Thereupon the Senate resolved itself into a committee of the Whole House, Mr. Forney in the Chair, to take into consideration the unfinished business of yesterday, being the bill concerning the election of Sheriffs; and, after some

time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Forney, the Chairman, reported the said bill with sundry amendments; which were agreed to by the Senate. Thereupon the bill was read the second time. Mr. Poindexter moved that the bill be indefinitely postponed; which was not agreed to. The yeas and nays on this question being demanded by Mr. Poindexter, are as follows:

For the indefinite postponement of the bill, are Messrs. Alexander, Bethune, Beasley, Copeland, Davis, Forney, Gibbs, Gilchrist, Hollamon, Hill of Stokes, Joiner, Jones of Rowan, Jones of Wilkes, Love, Legrand, Leak, M'Daniel, Pickett, Poindexter, Sneed, Speight of Greene, Smithwick, Seawell, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Yeas 27.

Against the indefinite postponement of the bill, are Messrs. Baker, Baughn, Boykin, Davidson of Iredell, Davidson of Mecklenburg, Dowd, Devane, Davenport, Formyduval, Hill of Franklin, Harrell, Hogan, Hawkins, Melvin, M'Dowell of Buncombe, M'Dowell of Burke, Marsh, Montgomery, Parker, Pool, Riddick, Smith, Salyear, Spaight of Craven, Sanders, Shuford, Vanhook, Williams—Nays 28.

Mr. Hill, of Franklin, moved that the Senate do now adjourn; which was not agreed to. The question then recurred on the passage of the said bill the second time; and on this question, the yeas and nays were demanded by Mr. Davis, which are as follows:

For the passage of the bill, are Messrs. Baker, Boykin, Baughn, Davidson of Iredell, Davidson of Mecklenburg, Dowd, Devane, Davenport, Formyduval, Hill of Franklin, Harrell, Hogan, Hawkins, Melvin, M'Dowell of Buncombe, M'Dowell of Burke, Marsh, Montgomery, Parker, Pool, Riddick, Smith, Salyear, Spaight of Craven, Sanders, Shuford, Vanhook, Williams—Yeas 28.

Against the passage of the bill, are Messrs. Alexander, Bethune, Beasley, Copeland, Davis, Forney, Gibbs, Gilchrist, Hollamon, Hargrave, Hill of Stokes, Joiner, Jones of Rowan, Jones of Wilkes, Love, Legrand, Leak, M'Daniel, Pickett, Poindexter, Sneed, Speight of Greene, Smithwick, Seawell, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Nays 28.

There being an equal number of votes for and against the passage of the bill, the Speaker of the Senate voted in the negative, and the bill did not pass.

The Senate adjourned to ten o'clock, on Monday morning.

MONDAY, DECEMBER 12, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill in addition to the several acts heretofore passed, concerning the town of Trenton, in Jones county, and a bill to amend an act, passed in the year 1803, entitled "An act to incorporate the town of Trenton, in Jones county;" in which they ask the concurrence of that House.

Mr. Williams presented the petition of sundry inhabitants of the county of Beaufort, on the subject of free schools; which was referred to the committee on Education.

Received from the House of Commons, a certificate of an allowance made by the County Court of Chowan to Eleanor Truelove, widow of John Truelove, deceased, a soldier of the revolutionary war; which was countersigned by the Speaker of the Senate.

Received from the House of Commons, a report of the commissioners on Military Land Warrants; which was read, and ordered that the same be laid on the table.

The following bills were presented, to wit: by Mr. Pool, a bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy

Bailey, of Pasquotank county; by Mr. M'Dowell, of Burke, a bill more effectually to secure book debts in all cases where the statute of limitation might be plead; by Mr. Riddick, a bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her; by Mr. Parker, a bill to make valid certain deeds registered in the county of Guilford; and by Mr. Davenport, a bill to alter the place of holding one of the separate elections in Washington county. Which bills were severally read the first time and passed.

Mr. Seawell presented a statement made by the Neuse River Navigation Company; which, on motion of Mr. Seawell, was referred to the committee on Internal Improvements; and Mr. M'Dowell, of Burke, presented the petition of Margaret Jackson, praying to be divorced from her husband Gabriel Jackson; which was referred to the committee on Divorce and Alimony.

Received from the House of Commons, a message, stating that they have passed a bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary; a bill to prevent persons who have been, or who may be appointed commissioners for any purposes, from becoming contractors; and a bill to divorce Gideon B. Smith from his wife Eleanor, and asking the concurrence of the Senate. Thereupon the said bills were severally read the first time and passed.

The Senate entered upon the orders of the day, and the bill to amend the road laws was read the second time. Mr. Davis moved to amend the same, by adding the words "and Justices of the Peace" after the word "profit," in the fourth line; and Mr. Speight, of Greene, moved that the bill, together with the amendment under consideration, be indefinitely postponed; and the question thereon was determined in the affirmative.

The bill to repeal part of an act, passed in the year 1806, entitled "an act to revise the militia laws of this State relative to infantry," was read the second time; and, on motion of Mr. M'Dowell, of Burke, the same was indefinitely postponed.

The engrossed bill to cede to the United States an island, called Oak Island, or so much thereof as shall be purchased by the United States for the purpose of erecting a fortification at the mouth of Cape-Fear river, and the bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to cede to the United States a certain tract of land, called Bogue Banks, was read the second and third times and passed, and amended, on motion of Mr. Davis, by adding the following words in the 30th line of the first section after the word "directed," to wit: "*saving and reserving to the present proprietors of the fisheries the right of fishing upon said Banks, as heretofore exercised by them;*" and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill more effectually to suppress sabbath breaking, was read the second time; and, on motion of Mr. Speight, of Greene, the same was indefinitely postponed.

The bill to appoint commissioners to contract for the building of a new Court House in the county of Wilkes, to fix a site for the same, and for

other purposes, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1818, entitled "an act respecting the Superior Courts of Law and Equity of the counties of Currituck, Martin and Nash," was read the second time, and it was resolved by the Senate, that this bill shall not pass.

On motion of Mr. Speight, of Greene, the Senate resolved itself into a committee of the whole House, Mr. Davidson, of Mecklenburg, in the Chair, to take into consideration the bill to alter the time of the annual meeting of the General Assembly; and, after some time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Davidson, the Chairman of the committee, reported the said bill without amendment. Thereupon the same was passed the second and third times, and ordered to be engrossed.

The engrossed bill to divorce Gideon B. Smith from his wife Eleanor, was read the second and third times and passed, and ordered to be enrolled.

The bill to alter the name of Dicey Cartright, of Perquimons county, and to legitimate her; the bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county; the bill to alter the time of holding one of the separate elections in Washington county; and the bill to make valid certain deeds registered in the county of Guilford, were severally read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to divorce John Chambers from his wife Rainey, was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Seawell, Mr. Jones, the Senator from the county of Wilkes, obtained leave of absence from the services of the Senate, from and after yesterday, the 11th instant, until the end of the present session.

Received from the House of Commons, the resignation of John Black, Colonel Commandant of the first regiment of the militia of Cumberland county; and Murdock Bain, of Robeson county, and Gabriel Russel, of Randolph county, Justices of the Peace, which were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

TUESDAY, DECEMBER 13, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to appoint commissioners to contract for the building of a new Court-House in the county of Wilkes, to fix the site for the same, and for other purposes; a bill to alter the place of holding one of the separate elections in Washington county; a bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county; a bill to alter the name of Dicey Cartright, of Perquimons county, and to legitimate her; a bill to make valid certain deeds registered in the county of Guilford; and a bill to alter the time of the annual meeting of the General Assembly; in which they ask the concurrence of that House.

Mr. Davidson, of Mecklenburg, from the committee of Propositions

and Grievances, to whom was referred a bill to authorise Willis Lewis, of Granville county, to erect two gates across the public road in said county, reported the said bill without amendment; which was read the second and third times and passed, and ordered to be engrossed.

Mr. Gibbs presented the petition of sundry inhabitants of the county of Hyde, on the subject of a turnpike road therein mentioned; which was referred to the committee on Internal Improvement.

Mr. Hill, of Franklin, moved that a member be added to the committee on Education, in the place of Mr. Jones, of Wilkes, who has obtained leave of absence from the services of the Senate during the present session; which was agreed to, and Mr. Spaight, of Craven, was appointed on the said committee.

Mr. Pickett, from the committee on the Judiciary, to whom was referred a bill directing the manner in which dowers shall be hereafter laid off, reported the said bill without amendment; which was made the order of the day for to-morrow.

Mr. Pickett, from the same committee, to whom was referred the petition of the citizens of Lincolnton, reported a bill to provide for the better government of the town of Lincolnton; which was read the first time and passed.

Mr. Pickett, from the same committee, to whom was referred a resolution of the Senate of the 8th instant, directing an inquiry into the expediency of amending the law of descents, reported the following resolution: "*Resolved*, that it is inexpedient to change, alter or amend the laws now established respecting the descent of real estate;" which, on motion of Mr. Seawell, was laid on the table.

Received from the House of Commons, the memorial of Archibald D. Murphey, accompanied with a proposition from that House that the same be referred to a select joint committee, and appointing Messrs. Scott, A. Moore, Shepperd, Spruill and Pugh to form the said committee on the part of that House; which proposition was agreed to, and Messrs. Seawell, Spaight, of Craven, Forney, Davidson, of Mecklenburg, and Hill, of Franklin, were appointed the committee on the part of the Senate.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new jail, with an amendment, to strike out the words "and in the name," in the 14th line of the first section, and asking the concurrence of the Senate in the amendment; which was read and agreed to, and the House of Commons was informed thereof by message.

Mr. Love presented the following resolutions:

Resolved by the Senate and House of Commons of the State of North-Carolina, That the Government of the United States, in a Treaty it made with certain Cherokee Indians, on the 27th February, 1819, for lands in this State, having agreed to allow a reservation of six hundred and forty acres to each head of an Indian family residing in the ceded territory, who should choose to become citizens of the United States, in manner stipulated in said Treaty, did, without the consent of this State, appropriate a considerable part of the most valuable land of the territory acquired under the Treaty, to the use of the said Indians, which lands be-

longed exclusively to this State; and that to prevent any difficulty arising under the Treaty, or dissatisfaction to the Indians, with sentiments of respect and attachment to the government of the Union, and with a view to that humane and liberal policy which has always distinguished the conduct of the United States towards the Indian tribes, this state has purchased, at a full and fair price, the interest and estate of the said Indians in the aforesaid lands reserved, for the sum of \$19,940, which has been paid in equitable proportions, and to the entire satisfaction of the said Indians, and which sum ought to be refunded to this State by the United States.

Resolved, That this State having ceded to the United States a large tract of country on the waters of the Mississippi, which constituted a valuable portion of the public lands, the government of the United States ought, upon principles of moral justice, to extinguish as soon as may be practicable, the Indian title to the balance of lands in this State, upon which a part of the Cherokee Indians now reside, and that the said government be respectfully requested to give this subject an early consideration.

Resolved, That the Senators from this State in the Congress of the United States be instructed, and the Representatives requested to make application to Congress, for an appropriation of money for the objects aforesaid, and that they be requested to co-operate with the Legislature in such manner as may seem to them expedient and compatible with the honor and interest of this State.

Resolved, That the Governor of this State be requested to transmit to each of the Senators and Representatives, from this State in Congress, a copy of the aforesaid resolutions.

Which were read, and, on motion of Mr. Spaight, of Craven, ordered to lie on the table.

Mr. Parker, from the committee of Divorce and Alimony, to whom was referred the petition of Rachel Dickey, of Orange county, praying to be divorced from her husband, made a report unfavorable to the prayer of the petitioner; which was concurred in.

Mr. Parker, from the same committee, reported the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws of this State, relative to divorce, as to give to the Superior Courts jurisdiction of all cases of divorce; and that they report by bill or otherwise.

Which was agreed to.

Mr. Sanders presented a bill to amend the several acts heretofore in force regulating proceedings in Courts of Equity; and Mr. Love presented a bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State.'" Which bills were severally read the first time and passed.

The bill to incorporate the Gold Company, was read the second time, and, on motion of Mr. Seawell, the same was indefinitely postponed. The yeas and nays on this question being demanded by Mr. Davis, are as follows:

For the indefinite postponement of the bill, are Messrs. Baker, Baughn, Boykin, Davis, Davidson of Iredell, Dowd, Devane, Davenport, Formyduval, Gibbs, Hollamon, Hill of Franklin, Harrell, Hogan, Hill of Stokes, Hawkins, Howell, Joiner, M'Dowell of Burke, Marsh, M'Daniel, Montgomery, Parker, Pool, Riddick, Smith, Salyear, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Seawell, Vanhook, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Yeas 37.

Against the indefinite postponement, are Messrs. Alexander, Bethune, Beasley, Davidson of Mecklenburg, Forney, Gilchrist, Hargrave, Jones of Rowan, Love, Leak, Melvin, M'Dowell of Buncombe, Pickett, Poindexter, Sneed, Shuford, Williams—Nays 17.

The bill more effectually to secure book debts, in all cases where the statute of limitation might be plead, was read the second time, and, on motion of Mr. Pickett, the same was indefinitely postponed.

Received from the House of Commons, a message, stating that they have passed a bill to regulate the time of closing the polls at the several elections in the county of Lenoir, and asking the concurrence of the Senate. Thereupon the said bill was read the first time and passed.

Mr. Wilson, of Edgecombe, presented a bill to authorise a certain number of Justices of the Peace for the county of Edgecombe to appropriate the county monies; which was read the first time and passed.

The engrossed bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary; was read the second time and passed.

The Senate proceeded to the third reading of the bill to advance the administration of justice in Courts of Equity, and to establish a Court for that purpose. Mr. Seawell moved to amend the same by striking out the word "Nashville," and inserting "Raleigh," in the 11th line of the 7th section; which was not agreed to. Mr. Joiner moved to amend the 12th section, by adding the following, to wit: "*and the like causes of the county of Pitt shall be transferred for trial to the Court to be held by this act at Newbern;*" which was agreed to. Mr. Seawell moved further to amend the said bill, by inserting the following provision after the word "causes," in the 10th section of the bill, to wit: "Provided always that all evidence which would have been admissible, in case the trial had been in the Circuit Court, shall be admissible in the Courts constituted by this act;" which amendment was agreed to. The question then recurred on the passage of the said bill the third time; which was determined in the negative. The yeas and nays on this question being demanded by Mr. Formyduval, are as follows:

For the passage of the said bill, are Messrs. Bethune, Boddie, Davidson of Mecklenburg, Forney, Gilchrist, Hargrave, Hill of Stokes, Joiner, Love, Legrand, Leak, M'Dowell of Buncombe, M'Dowell of Burke, Pickett, Parker, Poindexter, Smith, Sneed, Spaight of Craven, Speight of Greene, Shuford—Yeas 21.

Against the passage of said bill, are Messrs. Alexander, Baker, Baughn, Boykin, Beasley, Davis, Davidson of Iredell, Dowd, Devane, Davenport, Formyduval, Gibbs, Hollamon, Hill of Franklin, Harrell, Hogan, Hawkins, Howell, Jones of Rowan, Melvin, Marsh, M'Daniel, Montgomery, Pool, Riddick, Salyear, Sanders, Smithwick, Seawell, Vanhook, Williams, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Nays 35.

Received from the House of Commons, a message, proposing that on Friday next the two Houses ballot for seven Counsellors of State for the ensuing year, and stating that Peter Browne, Meshack Franklin, Gideon Alston, John M'Dowell, of Rutherford, Geo. W. Jeffreys, William Blackledge and Thomas Manny, are in nomination for the appointments; which proposition was agreed to.

Received from the House of Commons, the resignations of Henry Hoover, Lieutenant Colonel, and Joseph Smith, Major of the militia of Mecklenburg county; and John Blue, of Richmond county, Justice of the Peace; which were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, DECEMBER 14, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to revive and continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough, and to amend the same;" and a bill to authorize Willis Lewis, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Clay's Cross Roads to Grassey creek; in which they ask the concurrence of that House.

Mr. Parker, from the committee of Divorce and Alimony, reported a bill to divorce Susannah Tindal, of the county of Haywood, from her husband James Tindal; Margaret Jackson of the county of Burke, from her husband Gabriel Jackson; and Susannah Sharpe from her husband Thomas Sharpe; which were read the first time and passed.

Mr. Gilchrist presented a bill to alter, in part, the times of holding the Superior Courts of Law and Equity in the 5th Judicial Circuit; which was read the first time and passed; and, on motion of Mr. Gilchrist, the same was referred to the Senators from the counties composing the fifth Judicial Circuit

Received from the House of Commons, a message from his Excellency the Governor, enclosing a report from the committee appointed by the last Legislature to prepare a plan or system of Public Education, accompanied with a proposition from that House that the same be printed, four copies for each member; which proposition was agreed to.

Received from the House of Commons, a communication from the Public Treasurer, containing a statement of the State Bank, accompanied with a proposition that the same be printed for the use of the members; which proposition was agreed to.

On motion of Mr. Sneed, the report of the committee appointed by the last Legislature to prepare a plan of Public Education, was referred to the committee on Education.

Received from the House of Commons, a message, stating that they do not concur with the Senate in the amendment made in the engrossed bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond. Thereupon, on motion of Mr. Leak, the Senate insisted on their amendment, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they do not concur with the Senate in the amendment made in the engrossed bill to cede to the United States a certain tract of land, called Bogue

Banks. Thereupon Mr. Wilson, of Edgecombe, moved that the Senate do *recede* from their amendment; which was agreed to.

The engrossed bill to regulate the time of closing the polls at the several elections in the county of Lenoir, was read the second time and passed.

The bill to authorise a certain number of Justices of the Peace for the county of Edgecombe to appropriate the county monies; and the bill to provide for the better government of the town of Lincolnton, were severally read the second and third times and passed, and ordered to be engrossed.

Mr. Love presented a bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; and Mr. Williams presented a bill to legitimate Peggy Orrell, Lovey Hassel and Sidney Hassel, and alter the names of Lovey Hassel and Sidney Hassel; which bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to keep open, for the passage of fish, Main White Oak river, in the county of Rutherford; a bill to divorce Judith De La Chapel from her husband Gabriel De La Chapel; and a bill to amend the first section of an act, passed in 1819, concerning the town of Concord; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first time and passed.

The Senate resolved itself into a committee of the whole House, Mr. Pickett in the Chair, to take into consideration the bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes; and, after some time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Pickett, Chairman of the committee, reported the said bill, with sundry amendments; which were agreed to by the Senate. Thereupon the same was read the second time and passed.

The Senate adjourned to 10 o'clock, to-morrow morning.

THURSDAY, DECEMBER 15, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise a certain number of Justices of the Peace for the county of Edgecombe to appropriate the county monies; and a bill to provide for the better government of the town of Lincolnton; in which they ask the concurrence of that House.

Mr. Parker, from the committee of Divorce and Alimony, reported a bill to secure to Sarah M'Culloch, of Orange county, such property as she may hereafter acquire; which was read the first time and passed.

Mr. Sneed presented the following resolution, to wit:

Whereas it is provided by the Constitution of the United States that in suits at common law, when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and by the Constitution of this State, that in all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable; and whereas the laws at present in force relative to trials of controversies at law before Justices of the Peace operate a denial of this invaluable right to the poor and indigent: therefore,

Resolved, That the committee on the Judiciary be instructed to inquire into the grievance above stated; and, if they shall be of opinion that a remedy be necessary,

that they report, by bill or otherwise, a remedy by which any citizen can appeal from the judgment of a Justice of the Peace for all sums exceeding twenty dollars, by giving bond and security as usual; which bond shall operate as common bail.

Which was agreed to.

Mr. Formyduval presented the petition of sundry inhabitants of Columbus county, on the subject of the dividing line between said county and the county of Bladen; which was referred to the committee of Propositions and Grievances.

The following bills were presented, to wit: By Mr. Sneed, a bill to aid in the establishment of a fund for the support of schools for the convenient instruction of youth, &c. by Mr. Hill, of Stokes, a bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes; and by Mr. Seawell, a bill further to amend the several acts of Assembly heretofore passed, to advance the administration of justice. Which bills were severally read the first time and passed; and the bill first above mentioned, on motion of Mr. Sneed, was referred to the committee on Education, and the last mentioned bill was, on motion of Mr. Spaight, of Craven, referred to the committee on the Judiciary.

The engrossed bill to divorce Judith De La Chapel from her husband Gabriel De La Chapel, was read the second and third time and passed, and ordered to be enrolled. On the question upon the passage of the said bill the third time, the yeas and nays were demanded by Mr. Hill, of Franklin, and are as follows:

For the passage of the said bill, are Messrs. Alexander, Baker, Bethune, Baughn, Beasley, Davis, Davidson of Mecklenburg, Dowd, Forney, Gilchrist, Hollamon, Hargrave, Harrell, Hogan, Hill of Stokes, Hawkins, Joiner, Jones of Rowan, Love, Legrand, Leak, Melvin, M'Dowell of Buncombe, M'Dowell of Burke, Pickett, Parker, Pool, Poindexter, Riddick, Smith, Salyear, Sneed, Speight of Greene, Sanders, Smithwick, Shuford, Seawell, Vanhook, Williams, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Yeas 43.

Against the passage of the bill, are Messrs. Boddie, Boykin, Copeland, Davidson of Iredell, Devane, Formyduval, Gibbs, Hill of Franklin, Howell, Marsh, M'Daniel, Spaight of Craven—Nays 12.

Received from the House of Commons, a message, stating that they *recede* from their disagreement to the amendment made in the Senate to the bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond. Thereupon the same was ordered to be enrolled.

The engrossed bill to regulate the time of closing the polls at the several elections in the county of Lenoir, was read the third time and passed, and amended, on motion of Mr. Davis, by making the provisions of the bill apply to the county of Carteret; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they have passed a bill to incorporate Abbott's Creek Library Society, in the county of Davidson, and asking the concurrence of the Senate. Thereupon the said bill was read the first time and passed.

The following engrossed bills, to wit: A bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary; a bill to keep open, for the passage of fish, Main White Oak river, in the county of Rutherford; a bill to prevent persons, who have been, or who may be appointed com-

missioners for any purposes, from becoming contractors; and a bill to amend the first section of an act, passed in 1819, concerning the town of Concord, were severally read, the first mentioned bill the third time, and the three last mentioned bills the second and third times, and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that Messrs. Gorham, Drake, and Wilcox are added to the committee on the expediency of establishing a Medical Board.

The bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority of this State,'" and the bill to legitimate Peggy Orrell, Lovy Hassel and Sidney Hassel, and to alter the names of Lovy Hassel and Sidney Hassel, were severally read the second and third times and passed, and ordered to be engrossed.

The bill directing the manner in which dowers shall be laid out; and the bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity, were severally read the second time and passed.

Mr. M'Dowell, of Burke, presented a bill to repeal an act directing the County Courts to pay fees to certain officers therein named; which was read the first time and passed.

The bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; and the bill to secure to Sarah M'Culley, of Orange county, such property as she may hereafter acquire, were severally read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to incorporate Abbott's Creek Library Society, in the county of Davidson, was read the second and third times and passed, and ordered to be enrolled.

Mr. Hill, of Franklin, presented the following resolution, to wit:

Resolved, That the Comptroller of this State be directed, on behalf of the State, to contract annually with some suitable person, at a price which he may deem reasonable and just, and not exceeding seventy-five dollars, to take charge of the public buildings, and the property thereto belonging.

Which was read the first time and passed.

On motion of Mr. Davidson, of Mecklenburg, a message was sent to the House of Commons, proposing to appoint a joint select committee on the Public Buildings, and Messrs. Davidson of Mecklenburg, Speight of Greene, Hill of Franklin, Hogan and Whitfield were appointed the said committee on the part of the Senate. A message was also sent to the House of Commons, stating that the Senate have, agreeably to the joint rules of the two Houses, appointed a committee on Enrolled Bills on the part of this House, consisting of Mr. Spaight of Craven, and Mr. Gilchrist.

The Senate adjourned to 10 o'clock, to-morrow morning.

FRIDAY, DECEMBER 16, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to secure to Sarah M'Culley, of Orange county, such

property as she may hereafter acquire; a bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovy Hassel and Sidney Hassel, children of said White, and to legitimate them; a bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; and a bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority of this State,'" in which they ask the concurrence of that House.

On motion of Mr. Hill, of Franklin, the resolution presented by him to the Senate on the 15th instant, directing the Comptroller to contract annually with some suitable person to take charge of the public buildings, and the property thereto belonging, was referred to the committee on the Public Buildings.

On motion of Mr. Melvin, the name of John Owen was added to the nomination for Counsellors of State, and the House of Commons was informed thereof by message.

Mr. Boykin presented the petition of Jacob Marling, of the city of Raleigh, praying to be authorised to paint, for the State, a full sized portrait of John Haywood, Public Treasurer; and that he be permitted to exhibit the works of his pencil, free from the payment of a tax, for the same; which was referred to the committee of Propositions and Grievances.

Mr. Hogan presented the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the road law, so as not to compel grand jurors to present roads that are kept in reasonable repair; and that they report by bill or otherwise.

Which was agreed to.

Received from the House of Commons, a message, stating that Mr. Wright and Mr. Wilson attend the Senate as a committee, on the part of that House, to conduct the balloting for seven Counsellors of State for the ensuing year. Thereupon Mr. Hill of Stokes and Mr. Legrand were appointed to conduct the balloting on the part of the Senate.

Mr. Forney, from the committee on Internal Improvement, reported a bill authorising the Board of Internal Improvement to cause a survey of a road to be made from Morganton, across the Yellow Mountain, to the Tennessee line; which was read the first time and passed.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, reported a bill to legitimate and alter the names of Frances Anne M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county; which was read the first time and passed.

Mr. Pickett, from the committee on the Judiciary, to whom was referred a bill further to amend the several acts of Assembly heretofore passed to advance the administration of justice, reported the said bill without amendment; which was made the order of the day for to-morrow.

Mr. Sneed presented a bill concerning the town of Oxford; which was read the first time and passed.

The bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity, was read the third time, and amended, on motion of Mr. Sneed, by adding a second section to the bill, in the following words, to wit: "And be it further enacted, that the said Courts

are hereby authorised, in all cases upon petitions for the sale of lands, to appoint commissioners for the purpose of making the said sales, and collecting the purchase money for the same, when to them it shall seem expedient; who shall, when so appointed, discharge the said duty in the same manner and with the same powers as Clerks and Masters are now authorised to do." Thereupon the said bill was passed the third time and ordered to be engrossed.

The bill directing the manner in which dowers shall hereafter be laid off, was read the third time. Mr. Pickett moved to amend the bill, by striking out all the words therein from the word "*same*," in the 3d line of the first section, and inserting the following, to wit: "That in all cases of petition for dower, when the intestate shall have died seized and possessed of several tracts of land in the same county, the jury may, in their discretion, lay off and assign the same in any one, or more tracts, so as to assign the widow's dower in one entire tract." Which amendment was not agreed to. Mr. Hawkins moved to amend the bill, by striking out the word "*five*," and inserting the following words, in the 5th line of the first section, to wit: "seven discreet freeholders, as commissioners; any five of whom shall be competent to act;" which was not agreed to.—Mr. Whitfield moved to add the following provision to the bill, to wit: "Provided, that in all cases where a widow shall dissent from the will of her husband, the commissioners shall lay off her dower in each portion of land devised to the different devisees;" which was not agreed to. Mr. Montgomery then moved to strike out the word "*five*," and insert "*seven*," in the 5th line of the first section;" which amendment was agreed to. Thereupon the said bill passed the third time, and was ordered to be engrossed.

Received from the House of Commons, the report of the Board of Internal Improvements, with the several reports of the Civil Engineer, accompanied with a proposition from that House that the same be printed, four copies for each Member of the Assembly; which proposition was agreed to, with an amendment, "that the printing be done under the direction of the Board of Internal Improvement;" and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Seawell presented the following resolution, to wit:

Resolved, That it be referred to the committee on the Judiciary to inquire into the expediency of amending the existing laws in relation to the notices required to be given to guardians to renew their bonds, so far as relates to guardians appointed by the Superior Courts.

Which was agreed to.

Mr. Pickett, from the committee on the Judiciary, to whom was referred the resolution of the Senate of the 5th instant, instructing them to inquire into the expediency of amending the laws of the State on the subject of usury, so as not to impose any other penalty on those who loan money than a forfeiture of the interest on the sum loaned, reported that it is inexpedient to change the laws now established respecting the penalties against usury; which was concurred in.

Mr. Davidson, of Iredell, presented a bill to amend an act, entitled "An act making further provision in favor of the owners of strays;" which was read the first time and passed.

The bill to repeal an act directing the County Courts to pay fees to cer-

tain officers therein named, was read the second time, and, on motion of Mr. Speight, of Greene, the same was indefinitely postponed. The yeas and nays on this question being demanded by Mr. M'Dowell, of Burke, are as follows, to wit:

For the indefinite postponement of the bill, are Messrs. Alexander, Baker, Bethune, Boddie, Baughn, Copeland, Davis, Dowd, Devane, Gibbs, Gilchrist, Hollamon, Harrell, Hawkins, Howell, Joiner, Jones of Rowan, Legrand, Leak, Melvin, M'Daniel, Pickett, Pool, Riddick, Sneed, Speight of Greene, Sanders, Smithwick, Seawell, Williams, Wilson of Edgecombe, Wilson of Camden—Yeas 32.

Against the indefinite postponement of the bill, are Messrs. Boykin, Beasley, Davidson of Iredell, Davidson of Mecklenburg, Davenport, Formyduval, Forney, Hargrave, Hill of Franklin, Hogan, Hill of Stokes, Love, M'Dowell of Buncombe, M'Dowell of Burke, Marsh, Montgomery, Parker, Poindexter, Smith, Salyear, Spaight of Craven, Shuford, Vanhook, Whitfield, Ward—Nays 25.

The bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes; the bill to legitimate and alter the names of Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county; and the bill concerning the town of Oxford, were severally read the second and third times and passed, and ordered to be engrossed.

Mr. Pickett presented a bill for the better government of the town of Wadesborough, in Anson county; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill more effectually to suppress the practice of treating in elections; in which they ask the concurrence of the Senate. Thereupon the said bill was read the first time and passed.

Mr. Hill, of Stokes, from the committee appointed to conduct the balloting for Counsellors of State for the ensuing year, reported that John Owen, Meshack Franklin, Thomas Manny, George W. Jeffreys, John M'Dowell, Gideon Alston, and William Blackledge, were duly elected. Which report was concurred in.

The Speaker laid before the Senate a communication from Samuel Allen and Thomas Washburn, stating that Henry Baughn, the Senator from the county of Rockingham, is not constitutionally entitled to a seat; which, on motion of Mr. Baughn, was referred to the committee of Privileges and elections.

The Senate adjourned to 10 o'clock, to-morrow morning.

SATURDAY, DECEMBER 17, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to legitimate Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county, and to change their names; a bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity; a bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes; a bill directing the manner in which dowers shall hereafter be laid off; and a bill concerning the town of Oxford; in which they ask the concurrence of that House.

The engrossed bill more effectually to suppress the practice of treating in elections, was, on motion of Mr. Spaight, of Craven, committed to

a committee of the whole House, and made the order of the day for Monday next.

Mr. Pickett, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the laws respecting appeals from the judgment of Justices of the Peace, for all sums above twenty dollars, reported the following resolution, to wit: "*Resolved*, that it is inexpedient to change the existing laws respecting appeals from justices' judgments on sums exceeding twenty dollars;" which was concurred in.

Mr. Pickett, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of making some provision by law, so as to enable executors and administrators to settle the estates of deceased persons in such manner as will secure the faithful execution of such trust, and, at the same time, enable the executors and administrators to be released from their responsibilities, made a report thereon, in which they ask to be discharged from the further consideration of the subject; which was agreed to.

Received from the House of Commons, a message, stating that they agree to the several amendments made by the Senate in the engrossed bill to regulate the time of closing the polls at the several elections in the county of Lenoir. Thereupon the said bill was ordered to be enrolled.

Received from the House of Commons, a message, proposing that Field Officers and Justices of the Peace be recommended on Monday evening next, at 3 o'clock; which was agreed to.

Received from that House, also, a message, stating that Messrs. Spruill, Caldwell, Allen and Lewis, are appointed to form the committee of Enrolment on the part of that House.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, reported a bill to change the corporate name of the Trustees of the Richmond Academy, and for other purposes; which was read the first time and passed.

Mr. Montgomery presented a bill to amend an act, passed in 1824, entitled "An act to alter the time of holding the Superior Courts in the fourth Judicial Circuit, and to alter the time of holding the County Courts of Guilford, Rockingham and Person;" and Mr. Hawkins presented a bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes; which bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to repeal in part an act, passed in the year 1811, entitled "An act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," with an amendment, marked A; which was read and agreed to by the Senate.

Received from the House of Commons, a message, stating that they have indefinitely postponed the engrossed bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovey Hassell and Sidney Hassell, children of said White, and to legitimate them; and that they have rejected the engrossed bill to secure to Sarah M'Cully, of Orange county, such property as she may hereafter acquire.

Mr. Davidson, of Mecklenburg, presented the petition of John Duckworth, of Mecklenburg county, praying a pension from the State; which was referred to the committee of Propositions and Grievances.

The bill for the better government of the town of Wadesborough, in Anson county, was read the second and third times and passed, and ordered to be engrossed.

The bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes, was read the third time; and, after sundry amendments being made, the bill passed the third time, and was ordered to be engrossed. On the question upon the passage of the said bill the third time, the yeas and nays were demanded by Mr. Williams; which were as follows:

For the passage of the said bill, are Messrs. Alexander, Baker, Bethune, Boddies, Baughn, Beasley, Davis, Davidson, of Iredell, Devane, Davenport, Hollamon, Hargrave, Hill of Franklin, Harrell, Hawkins, Howell, Jones of Rowan, M'Dowell of Buncombe, M'Dowell of Burke, M'Daniel, Pool, Poindexter, Smith, Salyear, Sneed, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Shuford, Seawell, Vanhook, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Yeas 36.

Against the passage of the said bill, are Messrs. Boykin, Davidson of Mecklenburg, Dowd, Förmeyduval, Förmey, Gibbs, Gilchrist, Hogan, Hill of Stokes, Joiner, Love, Legrand, Leak, Melvin, Marsh, Montgomery, Pickett, Parker, Riddick, Williams—Nays 29.

Received from the House of Commons, a message, stating that they agree to the amendment made by the Senate in the resolution directing the printing of the report of the Board of Internal Improvement; also received from that House, the resignation of Thomas Marshall, as Major of the militia of Carteret county; which was read and accepted by the Senate.

The Senate adjourned to ten o'clock, on Monday morning.

MONDAY, DECEMBER 19, 1825.

The Senate met.

Jehu Nichols, the Senator from the county of Bertie, appeared, produced the certificate of his election, was qualified, and took his seat.

A message was sent to the House of Commons, stating that the Senate have passed a bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State; and for other purposes; and a bill for the better government of the town of Wadesborough, in Anson county; in which they ask the concurrence of that House.

Mr. Sneed presented the memorial of sundry inhabitants of Granville county; which was referred to the committee on the Judiciary.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of John Duckworth, reported the following resolution, to wit:

Resolved, That the Treasurer of North-Carolina be, and he is hereby directed to pay annually to John Duckworth, of the county of Mecklenburg, seventy-five dollars, during the life of the said John Duckworth, as a pensioner of the State.

Which was read the first time and passed.

Mr. Davidson, from the same committee, to whom was referred the petition of Jacob Marling, of the city of Raleigh, praying that he be authorised to paint, for the State, a full sized portrait of John Haywood, Public Treasurer, and that he be permitted to exhibit his pictures free from tax,

reported that it is inexpedient at this time to grant the prayer of the petitioner; which was concurred in.

Mr. Hill, of Stokes, from the committee of Privileges and Elections, to whom was referred the communication from Samuel Allen and Thomas Washburn, stating that Henry Baughn, the Senator from the county of Rockingham, is not constitutionally entitled to a seat, reported that there is not sufficient evidence to induce the committee to believe that the said Henry Baughn is not entitled to a seat. Which being read, Mr. Hill, of Franklin, moved that the further consideration thereof be postponed until the first day of April next; which was agreed to.

Mr. Pickett, from the committee on the Judiciary, reported a bill to amend an act of 1814, concerning divorce and alimony; which was read the first time and passed.

Mr. Smith presented the petition of Mary Fields, of the county of Ashe, praying to be divorced from her husband William Fields, together with a bill to carry the prayer of the petitioner into effect; which was read the first time and passed, and, on motion of Mr. Smith, was referred to the committee on Divorce and Alimony.

Mr. Sneed presented a bill to alter the names of John W. Grisham, senior, Mary Grisham and John G. Grisham, junior; which being read, it was resolved by the Senate that this bill shall not pass.

The bill to change the corporate name of the trustees of the Richmond Academy, and for other purposes, was read, and, on motion of Mr. Davidson, of Mecklenburg, the same was ordered to be laid on the table.

Mr. Pickett presented a bill to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county; and Mr. Melvin presented a bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull creek, in said county, into districts, for the purpose of being worked on and rendered navigable. Which bills were read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to amend an act, entitled "an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned," passed in the year 1792; in which they ask the concurrence of the Senate. Thereupon the same was read the first time and passed, and, on motion of Mr. Hill, of Stokes, committed to a committee of the whole House, and made the order of the day for to-morrow.

The bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes; and the resolution in favor of John Duckworth, of Mecklenburg county, were severally read the second and third times and passed, and ordered to be engrossed.

The bill authorising the Board of Internal Improvement to cause a survey of a road to be made from Morganton, across the Yellow Mountain, to the Tennessee line, was read the second time and passed.

The bill to amend an act, entitled "an act making further provision in favor of the owners of strays," was read the second time; and it was resolved by the Senate that this bill shall not pass.

The Senate resolved itself into a committee of the whole House, Mr. Speight, of Greene, in the Chair, to take into consideration the engrossed bill more effectually to suppress the practice of treating in elections; and, after some time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Speight, the Chairman of the committee, reported the said bill with an amendment, "*to strike out the first section of the bill.*" Thereupon Mr. Seawell moved that the bill, with the amendment, be indefinitely postponed; and the question thereon was determined in the affirmative. The yeas and nays on this question being demanded by Mr. Wilson, of Camden, are as follows:

For the indefinite postponement of the bill, are Messrs Alexander, Boddie, Baughn, Boykin, Beasley, Davis, Dowd, Devane, Davenport, Formyduval, Gibbs, Gilchrist, Hollamon, Hill of Franklin, Harrell, Hogan, Hill of Stokes, Hawkins, Howell, Jones of Rowan, Legrand, Leak, Melvin, Marsh, Matthews, M'Daniel, Montgomery, Nichols, Poindexter, Riddick, Smith, Salyear, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Seawell, Vanhook, Williams, Ward—Yeas 40

Against the indefinite postponement of the bill, are Messrs. Bethune, Davidson of Iredell, Davidson of Mecklenburg, Forney, Joiner, Love, M'Dowell of Buncombe, M'Dowell of Burke, Pickett, Parker, Pool, Sneed, Shuford, Wilson of Camden, Wilson of Edgecombe, Whitfield—Nays 16.

The bill to amend an act, passed in 1824, entitled, "an act to alter the time of holding the Superior Courts in the 4th Judicial Circuit, and to alter the time of holding the County Courts of Guilford, Rockingham and Person," was read the second time. Mr. Seawell moved to amend the bill, by striking out the second section; and Mr. Sneed moved that the said bill, together with the amendment under consideration, be indefinitely postponed; and the question thereon was determined in the affirmative.

Received from the House of Commons, a statement and report of the Cape Fear Navigation Company, accompanied with a proposition from that House, that the same be printed, in connexion with the report of the Board of Internal Improvement; which was agreed to by the Senate.

The bill to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county, was read the second and third times and passed, and ordered to be engrossed.

The bill further to amend the several acts of Assembly heretofore passed to advance the administration of justice, was read the second time and passed, and amended, on motion of Mr. Pickett, by striking out the words, "*said court, unless the same shall be first finished,*" in the 9th line of the first section, and inserting "*if the business of the court shall require it.*"

Mr. Davidson, of Iredell, presented the resignation of John Moore, of Iredell county; and Mr. Formyduval presented the resignation of Samuel Smith, Justices of the Peace; which were severally read and accepted by the Senate, and sent to the House of Commons.

The Senate adjourned to three o'clock, this evening.

MONDAY EVENING, 3 O'CLOCK, DECEMBER 19, 1825.

The Senate met.

The bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint Commissioners to lay of Turnbull creek, in said county, into districts, for the purpose of being worked on and rendered navigable, was read the second and third times and passed, and ordered to be engrossed.

The Senate adjourned to 10 o'clock, to-morrow morning.

TUESDAY, DECEMBER 20, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the following bills, to wit: A bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull creek, in said county, into districts, for the purpose of being worked on and rendered navigable; a bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes; a bill to prevent the falling of timber in, or obstructing the run of Brown creek in Anson county; and a resolution in favor of John Duckworth; in which they ask the concurrence of that House.

Mr. Nichols presented a bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie; which was read the first time and passed.

Mr. Pickett presented the petition of Thomas Rogers, of Anson county, praying that the Secretary of State be directed to issue to him a grant for land therein mentioned; Mr. Baughn presented the petition of Margaret Joyce, praying authority to erect a gate on a road therein mentioned; and Mr. Hill, of Stokes, presented the petition of Elizabeth Fry, praying that the property which she may hereafter acquire may be secured to her. The two petitions first above mentioned were referred to the committee of Propositions and Grievances, and the last mentioned petition was referred to the committee of Divorce and Alimony.

Mr. Pickett, from the committee on the Judiciary, to whom was referred the memorial of sundry citizens of Granville county, reported the following resolution, to wit: "*Resolved*, that it is inexpedient to alter or amend the laws respecting the trial by jury." Which report was concurred in.

On motion of Mr. Seawell, the Senate proceeded to the consideration of the resolution respecting Cherokee lands; which was read and agreed to, and ordered to be engrossed.

The bill to divorce Susannah Tindal, of the county of Haywood, from her husband James Tindal; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susannah Sharpe from her husband Thomas Sharpe, was read the second time. Mr. Hill, of Franklin, moved to amend the bill, by striking out the name of Susannah Tindal.—Mr. Hogan moved that the bill, together with the amendment under consideration, be indefinitely postponed; which was not agreed to. The question recurred on the amendment offered by Mr. Hill, of Franklin; which was not agreed to. Mr. Pickett then moved to strike out the name of Susannah Sharpe; which was not agreed to. Thereupon the said bill passed the second and third times, and was ordered to be engrossed.

Mr. Williams presented the petition of sundry stockholders of a turnpike road company therein mentioned, praying that certain acts of the General Assembly relative to the incorporation, be amended or repealed; which was referred to the committee on Internal Improvement.

Received from the House of Commons, a message, proposing that the two Houses ballot immediately for a Major Commandant of the Fayette-

ville corps of Artillery, and nominating for that appointment Jesse Birdsall; which proposition was agreed to, and Messrs. Bethune and Hill of Stokes were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that they have passed the engrossed bill in addition to the several acts heretofore passed, concerning the town of Trenton, in Jones county, with an amendment, to strike out the name of Robert Kornegay, and insert Christopher Bryan; in which they ask the concurrence of the Senate. Thereupon the same was agreed to, and the House of Commons was informed thereof by message.

Received, also, a message, stating that the House of Commons have passed a resolution in favor of Lewis Gomez, of the town of Wilmington, and asking the concurrence of the Senate. Thereupon the same was read and agreed to, and ordered to be enrolled.

Received from the House of Commons, a message from his Excellency the Governor, accompanied with a proposition from that House, that the part of the message which relates to James Forsyth be referred to a select joint committee, and appointing, on their part, Messrs. A. Moore, Martin, Ashe, Pickens and Webb; which proposition was agreed to, and Messrs. Gilchrist, Sneed, Vanhook, Pool and Davidson of Iredell were appointed the committee on the part of the Senate.

The bill authorising the Board of Internal Improvement to cause a survey of a road to be made from Morganton, across the Yellow Mountain, to the Tennessee line, was read the third time; and it was resolved by the Senate that this bill shall not pass.

Received from the House of Commons, a recommendation of Thomas Independence Polk, as a fit person to be appointed Lieutenant Colonel of the first regiment of the Mecklenburg militia; which recommendation was signed by Thomas G. Polk, one of the representatives from the county of Mecklenburg, and endorsed in that House "*Read and accepted;*" and the same being read, on motion of Mr. Davidson, of Mecklenburg, it was resolved by the Senate that the further consideration of the recommendation be indefinitely postponed, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that Mr. Allen and Mr. J. N. Smith attend the Senate as superintendants of the balloting, on the part of that House, for a Major Commandant of the Fayetteville corps of Artillery.

The bill further to amend the several acts of Assembly heretofore passed to advance the administration of justice, was read the third time, and it was resolved by the Senate that this bill shall not pass. On the question on the passage of the bill, the yeas and nays were demanded by Mr. Seawell, and are as follows, to wit:

For the passage of the bill, are Messrs. Baker, Beasley, Davis, Davidson of Mecklenburg, Davenport, Hoilamon, Harrell, Howell, Joiner, Melvin, M'Dowell of Buncombe, M'Dowell of Burke, Matthews, M'Daniel, Pool, Smith, Salyear, Sanders, Smithwick, Seawell, Williams, Wilson of Camden, Ward—Yeas 23.

Against the passage of the bill, are Messrs. Alexander, Bethune, Baughn, Boykin, Davidson of Iredell, Dowd, Devane, Formyduval, Forney, Gilchrist, Hill of Franklin, Hogan, Hill of Stokes, Hawkins, Jones of Rowan, Legrand, Leak, Marsh, Montgomery, Nichols, Pickett, Parker, Poindexter, Riddick, Sneed, Speight of Craven, Speight of Greene, Shuford, Vanhook, Wilson of Edgecombe, Whitfield—Nays 31.

Mr. M'Dowell, of Burke, presented a bill to amend an act, passed in the year 1824, entitled "an act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke;" which was read the first time and passed.

Mr. Hill, of Stokes, from the committee appointed to conduct the balloting for a Major Commandant of the Fayetteville corps of Artillery, reported that Jesse Birdsall was duly elected; which was concurred in.

The Senate adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, DECEMBER 21, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to divorce Susannah Tindal, of the county of Haywood, from her husband James Tindal; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susannah Sharpe from her husband Thomas Sharpe; and a resolution respecting Cherokee Lands; in which they ask the concurrence of that House.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of Thomas Rogers, of Anson county, reported the following resolution, to wit.

Resolved, That the Secretary of State be, and he is hereby instructed to issue to Thomas Rogers, of Anson county, a grant for two hundred acres of land in said county, agreeable to his entry No. 1037, and the order of survey, July Term, 1824, and plat of Survey as returned July 6, 1825.

Which was agreed to, and ordered to be engrossed.

Mr. Pickett, from the committee on the Judiciary, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of amending the road law, so as not to compel Grand Jurors to present roads that are kept in reasonable repair, reported the following resolution: "*Resolved*, that it is inexpedient to amend the road law relative to the duty of Grand Jurors in making presentments." Which was agreed to.

Mr. Gilchrist, from the select committee, to whom was referred a bill to alter in part the times of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, reported the said bill without amendment; which was made the order of the day for to-morrow.

On motion of Mr. Speight, of Greene, a message was sent to the House of Commons, proposing that a balloting immediately take place for a Colonel of Cavalry attached to the 2d Brigade and 8th Division of the Militia of this State, and nominating for the appointment Shadrack P. Allen; and a message was received from that House, agreeing to the said proposition, and stating that Mr. Gorham and Mr. Rascoe are appointed superintendants of the balloting. Thereupon Mr. Spaight, of Craven, and Mr. Speight, of Greene, were appointed superintendants of the balloting on the part of the Senate.

On motion of Mr. Speight, of Greene, Mr. Copeland, the Senator from the county of Hertford, obtained leave of absence from the services of this House, from and after Sunday next, until the end of the present session.

Mr. Pool presented a bill to amend an act, passed in the year 1824, entitled "An act to authorize the opening a road in the counties of Cam-

den and Pasquotank, and the putting a float bridge across Pasquotank River;" Mr. Jones, of Rowan, presented a bill to amend an act, entitled "An act to amend an act, entitled 'an act directing the time and place of sales of land and slaves under execution in Rowan county,'" Mr. Matthews presented a bill to alter the name of Mary Ann Allender, and to legitimate her; and Mr. Leak presented a bill to repeal an act of 1812, entitled "An act directing the time and manner of appointing overseers of roads in Richmond county;" which bills were severally read the first time and passed; and the bill first above mentioned was, on motion of Mr. Pool, referred to the committee on Internal Improvement.

Mr. Legrand presented the petition of Duncan M'Rae, of Montgomery county, praying that a certain fine imposed on him be remitted; which was referred to the committee on the Judiciary.

The bill to amend an act, passed in the year 1824, entitled "an act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke;" and the bill to repeal an act, passed in the year 1822, entitled "An act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie, were severally read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to amend an act for the better care of orphans, and security and management of their estates, with sundry amendments; which were severally read and agreed to by the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Davidson, of Mecklenburg, the Senate proceeded to the consideration of the resolution, declaring that no bill of a private nature shall be presented after the 15th instant; which being read, was amended, on motion of Mr. Speight, of Greene, by striking out the "15th," and inserting "*the twenty-fourth*;" and the same was further amended, on motion of Mr. Pickett, by inserting after the word "*Resolved*" the following words, to wit: "*by the Senate and House of Commons.*" The question then recurred on the adoption of the resolution; which was determined in the affirmative, and a message was sent to the House of Commons, asking their concurrence in the same.

The bill to amend an act of 1814, concerning Divorce and Alimony, was read, and, on motion of Mr. Hill, of Franklin, ordered to lie on the table.

The report of the committee on the Judiciary, to whom was referred a resolution directing an inquiry into the expediency of amending the law of descents, was read and concurred in.

Mr. Forney presented the petition of William M. Simeson, stating that he has invented a machine, which, if attached to a boat, will propel it with considerable velocity against the most rapid currents, and praying for the public patronage; which was referred to the committee on Internal Improvement.

Received from the House of Commons, a message, stating that they have passed a bill to authorise the building of a toll bridge over the river Cape Fear, and to incorporate a company for that purpose; a resolution explanatory of the resolution of 1821, in relation to the Public Library;

and a resolution authorising the Public Treasurer to sell the old bell, belonging to the State; in which they ask the concurrence of the Senate.— Thereupon the bill above mentioned was read the first and second time and passed; the resolution authorising the Public Treasurer to sell the old bell, was read and agreed to, and ordered to be enrolled; and the resolution in relation to the Public Library, was read the first, second and third times, and amended, on motion of Mr. Seawell, by striking out the word "*is*," in the first line, and inserting "*was*," and by striking out the word "*meaning*," in the second line, and inserting the word "*design*;" and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to amend an act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of land and slaves under execution in Rowan county,'" the bill to repeal an act of 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county;" and the bill to alter the name of Mary Ann Allender, and to legitimate her, were severally read the second and third times and passed, and ordered to be engrossed.

Mr. Spaight, of Craven, from the committee appointed to conduct the balloting for a Colonel of Cavalry attached to the second brigade and 8th division of the militia of this State, reported that Shadrack P. Allen was duly elected; which report was concurred in.

Mr. Marsh presented the resignation of Jesse Bray, as Justice of the Peace of Chatham county; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignation of Green B. Babb, as Major of the first regiment of the Guilford county militia; also the resignations of Benjamin Nevill, sen'r, a Justice of the Peace of Halifax county, and W. Reavis, a Justice of the Peace of Wake county; which were severally read and accepted, and sent to the House of Commons.

The Senate adjourned to 10 o'clock, to-morrow morning.

THURSDAY, DECEMBER 22, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie; and a bill to amend an act, passed in the year 1824, entitled "an act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke;" also a resolution in favor of Thomas Rogers, of Anson county; in which they ask the concurrence of that House.

On motion of Mr. Alexander, a message was sent to the House of Commons, proposing that a balloting immediately take place for a Colonel of Cavalry attached to the 11th brigade of militia, and nominating for that appointment James A. Means.

Mr. Parker, from the committee of Divorce and Alimony, to whom was referred the petition of Elizabeth Fry, praying to be divorced from her Husband Lewis Fry, made a report unfavourable to the prayer of the petitioner; which was concurred in.

Mr. Parker, from the same committee, to whom was referred a bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields, reported the said bill without amendment; which was read the second and third times and passed, and ordered to be engrossed.

Mr. Hill, of Franklin, from the committee, to whom was referred the statement accompanying the Comptroller's report, containing the returns received from most of the counties of the State, detailing the amount of taxes levied and appropriated for five or six years past in the several counties of the State, made a report thereon, and moved to be discharged from the further consideration of the subject; which was agreed to.

Mr. Hill, of Franklin, from the committee on Education, to whom was referred a bill to aid in the establishment of a fund for the support of schools for the convenient instruction of youth, &c. reported the said bill without amendment; which was made the order of the day for to-morrow.

Mr. Pickett, from the committee on the Judiciary, reported a bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace; which was read the first time and passed.

Mr. Hill, of Stokes, from the select committee, to whom was referred the bill to authorise the County Court of Stokes to appoint a committee of Finance, reported the said bill with an amendment, to strike out all the words of the bill except the words "*a bill*," and insert the amendment accompanying the same; which was agreed to. Thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Received from House of Commons, a message, agreeing to the proposition of the Senate to ballot immediately for a Colonel of Cavalry attached to the 11th Brigade, and stating that Mr. Bain and Mr. Cox are appointed superintendants of the balloting on the part of that House. Thereupon Mr. Shuford and Mr. Boddie were appointed superintendants of the balloting on the part of the Senate.

The engrossed bill to authorise the building of a toll bridge over the river Cape-Fear, and to incorporate a company for that purpose, was read the third time. Mr. Montgomery moved to amend the bill, by adding the following section, to wit: "Be it further enacted, that the President, Directors and Company shall be liable for all the debts that the said President, Directors and Company shall incur;" which was not agreed to. The question then recurred on the passage of the said bill the third time, and the same was determined in the affirmative, and ordered to be enrolled.

Mr. Seawell presented the petition of Willis Whitaker and others, of Wake county, stating that they were ordered to attend a Court Martial in Nash county, convened for the trial of David Daniel, a Colonel of the Nash Regiment; that they attended accordingly; and praying for compensation; which was referred to the committee of Claims.

Mr. Hill, of Franklin, presented the memorial of Thomas Lanier and Hardy Wood, praying for indulgence in the payment of a judgment therein mentioned; and Mr. Sneed presented the petition of Polydore Johnston, of the city of Raleigh, a free man of colour, praying the emancipation of two of his children; which petitions were referred to the committee of Propositions and Grievances.

Mr. Jones, of Rowan, presented a bill for the better protection of pub-

lic bridges owned by individuals or corporations, and prescribing the punishment for burning the same; and Mr. Vanhook presented a bill to alter the time of holding the Court of Pleas and Quarter Sessions of the county of Person; which bills were read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a resolution directing the committee of Finance to burn the defaced or worn Treasury notes, and asking the concurrence of the Senate. Thereupon the same was read and agreed to, and ordered to be enrolled.

The engrossed bill to authorise the trustees of the Salisbury Academy to raise, by way of Lottery, ten thousand dollars, was read the second time and passed; and on the question upon the passage of the said bill the yeas and nays were demanded by Mr. Dowd, which are as follows, to wit:

For the passage of the bill, are Messrs. Alexander, Baker, Beasley, Davis, Davidson of Mecklenburg, Davenport, Formyduval, Forney, Gilchrist, Hollamon, Hargrave, Harrell, Hogan, Hill of Stokes, Hawkins, Jones of Rowan, Love, Legrand, Leak, M'Dowell of Bancombe, M'Dowell of Burke, Matthews, M'Daniel, Nichols, Pickett, Pool, Poindexter, Riddick, Smith, Sneed, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Shuford, Seawell, Vanhook, Williams, Ward—Yeas 39.

Against the passage of the bill, are Messrs. Bethune, Boddie, Baughn, Boykin, Dowd, Devane, Gibbs, Hill of Franklin, Howell, Joiner, Melvin, Marsh, Montgomery, Parker, Wilson of Camden, Wilson of Edgecombe, Whitfield—Nays 17.

Mr. Joiner moved that the bill lie on the table, which was not agreed to. Thereupon the same was read the third time and passed, and ordered to be enrolled.

The Senate resolved itself into a committee of the whole House, Mr. Seawell in the Chair, to take into consideration the engrossed bill to amend an act, entitled "an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves the property of another, and for other purposes therein mentioned," passed in 1792; and, after some time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Seawell, the Chairman, reported the said bill with an amendment, to strike out the third section, in the following words, to wit: "And be it further enacted, that the fact of such negro being found on board of any vessel, under the circumstances above set forth, shall be considered *prima facie* evidence of the concealment having taken place with the knowledge or by the contrivance of said master." Which amendment was agreed to by the Senate. Thereupon the said bill passed the second and third time, and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Boddie, from the committee appointed to conduct the balloting for a Colonel of Cavalry attached to the 11th Brigade of Militia, reported that James A. Means was duly elected; which report was concurred in.

Mr. Formyduval presented a bill limiting the time within which prosecutions for certain offences shall be commenced; which was read the first time and passed.

The resolution of the Senate of the 21st instant, "*That no bill of a private character shall be presented in either House after the 24th of this month,*" was received from the House of Commons, endorsed "*read and adopted*" by that House.

Mr. Hill, of Franklin, from the committee on Education, reported a bill to create a fund for the establishment of Common Schools, and for the

support thereof; which was read the first time, and, on motion of Mr. Seawell, ordered that the bill be printed; and it was further ordered, on motion of Mr. Boykin, that the same be committed to a committee of the whole House, and made the order of the day for Monday next.

Mr. Harrell presented a bill to repeal in part the several acts of the General Assembly, respecting the sales of land under execution; and Mr. Sneed presented a bill for the relief of the trustees of the Williamsborough Academy; which bills were severally read the first time and passed.

The bill to alter in part the times of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, was read the second time and passed.

The bill to alter the times of holding the Court of Pleas and Quarter Sessions of Person county, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to alter the place of holding one of the separate elections in Washington county; and that they have indefinitely postponed the bill to divorce Susannah Tindal, of the county of Haywood, from her husband James Tindal; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susannah Sharpe from her husband Thomas Sharpe.

Received also, a message, stating that they have passed the engrossed bill to repeal the tenth section of an act, directing the manner in which the Clerks of the Superior Courts shall be appointed, passed in 1806, chapter 693, entitled "an act for the more uniform and convenient administration of justice within this State;" in which they ask the concurrence of the Senate. Thereupon the said bill was read the first time and passed.

The Senate adjourned to 10 o'clock, to-morrow morning.

FRIDAY, DECEMBER 23, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: A bill to repeal an act, passed in 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county;" a bill to amend an act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of land and slaves under execution in Rowan county;" a bill to alter the name of Mary Ann Allender, and to legitimate her; a bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields; a bill to authorise the County Courts of Stokes and Guilford to appoint a committee of Finance; and a bill to alter the time of holding the Court of Pleas and Quarter Sessions of Person county; in which they ask the concurrence of that House.

Mr. Davidson, from the committee of Propositions and Grievances, to whom was referred the petition of Thomas Lanier and Hardy Wood, of Franklin county, reported the following resolution, to wit:

Resolved, That the Treasurer be, and he is hereby instructed to indulge, for twelve months, Thomas Lanier and Hardy Wood, of Franklin county, against whom the State has a judgment, as securities of Jorden Denson, late Sheriff of said county.

provided, the said Thomas Lanier and Hardy Wood shall give bond and approved security within twenty days after the rise of the General Assembly.

Which was concurred in and ordered to be engrossed.

Mr. Davidson, from the same committee, to whom was referred the petition of sundry inhabitants of the county of Columbus, on the subject of the dividing line between the said county and the county of Bladen, reported unfavorable to the prayer of the petitioners; which was concurred in.

Mr. Forney, from the committee on Internal Improvement, to whom was referred the petition of the Neuse River Navigation Company, reported the following resolution: "*Resolved*, that the prayer of the petitioners ought *not* to be granted;" which being read, Mr. Seawell moved to amend the resolution, by striking out the word "*not*," in the first line thereof; which was not agreed to. The question then recurred on the adoption of the resolution; which was determined in the affirmative.

Mr. Forney, from the same committee, to whom was referred a bill to raise a fund to complete the navigation of Neuse River from Turner's Bridge, in Johnston county, to Cobbs' Mill, in Wake county; and a bill concerning the Catawba Navigation Company, reported the said bills without amendments; which were made the order of the day for to-morrow.

Mr. Forney, from the same committee, to whom was referred the petition of sundry inhabitants of Hyde and Washington counties, reported a bill to repeal the several acts of Assembly, passed in the years 1815, 1818, 1822 and 1823, incorporating a company to make a turnpike road from Pungo River, in Hyde county, to the town of Plymouth, in Washington county; which was read the first time and passed.

Mr. Pickett presented a bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to lands within this state;" which was read the first time and passed.

Mr. Sanders presented the resignation of John Eason, as Colonel Commandant of the Johnston county Militia; and Mr. Whitfield presented the resignation of Levi Mewborn, of Lenoir county, as Justice of the Peace; which were read and accepted, and sent to the House of Commons.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: a bill giving exclusive jurisdiction to the Superior Court of Anson of pleas and prosecutions of the State; a bill to incorporate Lafayette Lodge, in Onslow county; a bill respecting the Court of Pleas and Quarter Sessions of the county of Tyrrell; a bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to extend the provisions of an act, passed in 1824, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person, to the county of Rowan;'" a bill to establish Williams Academy, in the county of Duplin, and to incorporate the trustees thereof; a bill prescribing the time and places of electing members of the General Assembly of the county of Wayne, members of Congress, and Electors to vote for President and Vice President of the United States, and to repeal part of an act, passed in the year 1824, prescribing the time and places of electing members to the General Assembly, members to Congress, and Electors to vote for President and Vice President of the United States; a bill to establish a poor

house in the county of Martin; a bill to allow commissions to Constables in the county of Halifax; a bill to repeal part of an act, passed in the year 1820, entitled "an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes;" a bill to make compensation to the Jurors of the Superior and County Courts of Randolph county; a bill making compensation to the jurors for the county of Moore; a bill to divide the Regiment of Militia in Rockingham county; a bill to divorce Robert Bigham, jun. of the county of Mecklenburg, from Mary his wife; a bill to appoint commissioners to lay off a road from John Harden's to Ashe Court House, and for other purposes; a bill directing the manner in which Constables shall be hereafter appointed in the county of Sampson; a bill concerning the appointment and powers of patrols in the county of Robeson; a bill to amend an act, entitled "an act to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, &c. &c. to appoint a committee of Finance," passed in the year 1822, so far as relates to the county of Bladen; and a bill to repeal an act, passed in the year 1822, entitled "an act to exempt certain citizens of Hyde county from public duty;" also a resolution in favor of George W. Lumsden; and a resolution in favor of Absalom Hooper; in which they ask the concurrence of the Senate. Thereupon the said bills and the resolution in favor of George W. Lumsden were severally read the first time and passed; and the resolution in favor of Absalom Hooper was read and agreed to, and ordered to be enrolled.

On motion of Mr. Davidson, of Mecklenburg, a message was sent to the House of Commons, proposing that a balloting immediately take place for a Lieutenant Colonel of Cavalry attached to the 11th Brigade of Militia; and for which appointment Wm. N. Park and Marcus Kennedy are in nomination; and received a message, agreeing to ballot, as proposed by the Senate, and stating that Mr. Skinner and Mr. Durgan are appointed to conduct the balloting on the part of that House. Thereupon Mr. Alexander and Mr. Dowd were appointed superintendants of the balloting on the part of the Senate.

The bill to change the corporate name of the Trustees of the Richmond Academy, and for other purposes; and the bill for the relief of the trustees of the Williamsborough Academy, were read the second time, and it was resolved by the Senate that these bills shall not pass.

Received from the House of Commons, a message, stating the concurrence of that House in the amendments made in the Senate in the resolution explanatory of the resolution in relation to the public Library, Thereupon the same was ordered to be enrolled.

The bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace, was read the second time and passed.

The bill to repeal in part the several acts of the General Assembly respecting the sales of land and slaves under execution; and the bill to alter in part the times of holding the Superior Courts of Law and Equity in the 5th Judicial Circuit, were read, the first mentioned bill the second and third times, and the last mentioned bill the third time; and thereupon they were ordered to be engrossed.

The bill for the better protection of public bridges owned by individuals or corporations, and prescribing the punishment for burning the same, being read, Mr. Pickett moved to amend the same, by striking out the words "*and shall suffer death without the benefit of clergy,*" and inserting the words "*and shall be punished accordingly,*" which was agreed to; and the same was further amended, on motion of Mr. Gilchrist, by striking out the words "*any of the said bridges which have been or may be erected,*" and inserting the words "*any public bridge or private toll bridge.*" Thereupon the said bill passed the second time.

The bill limiting the time within which prosecutions for certain offences shall be commenced, was read the second time. Mr. Hogan moved to strike out the word "three" in the 11th line of the first section, and insert the word "*one;*" which was not agreed to. The question then recurred on the passage of the said bill the second time; which was determined in the affirmative.

The bill to aid in the establishment of a fund for the support of schools for the convenient instruction of youth, was read the second time and passed.

The engrossed bill to repeal the 10th section of an act directing the manner in which the Clerks of the Superior Courts shall be appointed, passed in the year 1806, chapter 693, entitled "an act for the more uniform and convenient administration of justice within this State," was read the second time; and, on motion of Mr. Spright, of Greene, the same was indefinitely postponed. The yeas and nays on this question being demanded by Mr. M'Dowell; of Burke, are as follows, to wit:

For the indefinite postponement of the bill, are Messrs. Alexander, Baker, Bethune, Boykin, Beasley, Davenport, Forney, Gilchrist, Hill of Franklin, Hogan, Hill of Stokes, Joiner, Jones of Rowan, Legrand, Leak, Matthews, M'Daniel, Nichols, Pickett, Poindexter, Smith, Sneed, Spaight of Craven, Speight of Greene, Sanders, Seawell, Vanhook, Williams, Wilson of Camden, Wilson of Edgecombe, Whitfield—Yeas 31.

Against the indefinite postponement of the bill, are Messrs. Davidson of Iredell, Davidson of Mecklenburg, Dowd, Devane, Formyduval, Hollamon, Hargrave, Love, M'Dowell of Buncombe, M'Dowell of Burke, Marsh, Montgomery, Parker, Pool, Riddick, Salyear, Smithwick, Shuford, Ward—Nays 19.

The bill prescribing the time and places of electing the members of the General Assembly for the county of Wayne, members of Congress, and electors to vote for President and Vice President of the United States, and to repeal part of an act, passed in the year 1824, prescribing the time and places of electing members of the General Assembly, members to Congress, and electors to vote for President and Vice President of United States, was read the second time and passed.

Mr. Alexander, from the committee appointed to conduct the balloting for Lieutenant Colonel of Cavalry attached to the 11th Brigade of militia, reported that Wm. N. Parks was duly elected; which report was concurred in.

The Senate adjourned to 10 o'clock, to-morrow morning.

SATURDAY, DECEMBER 24, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal in part the several acts of the General Assem-

bly respecting the sales of land and slaves under execution, so far as regards the county of Gates; and a bill to alter in part the times of holding the Superior Courts of Law and Equity in the fifth judicial circuit; also a resolution in favor of Thomas Lanier and Hardy Wood, of Franklin county; in which they ask the concurrence of that House.

Mr. Speight, of Greene, presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to each of the Doorkeepers of both Houses twenty-five dollars, their usual extra allowance; and that they be compelled to pay out of the same the hands necessarily employed by them to bring wood and water to the State House during the present session; and that the rule of the House, requiring resolutions to be read three times, be dispensed with so far as regards this resolution.

Which was agreed to, and ordered to be engrossed.

Mr. Forney, from the committee on Internal Improvement, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of appropriating a part of the public funds of the State towards improving the public road from Fayetteville west, by the way of Wadesborough, Charlotte, Lincolnton, Morganton, &c. reported that it is inexpedient to make the said appropriation; which was concurred in.

Mr. Forney, from the same committee, to whom was referred the petition of sundry inhabitants of Hyde county, reported the following resolution, to wit: "*Resolved*, that the prayer of the petitioners ought not to be granted;" which was concurred in.

Mr. Forney, from the same committee, to whom was referred a bill to amend an act, passed in the year 1824, entitled "an act to authorise the opening a road in the counties of Camden and Pasquotank, and the putting a float bridge across Pasquotank river," reported the said bill without amendment; which was made the order of the day for Monday next.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of Margaret Joice, of Rockingham county, made a report unfavorable to the prayer of the petitioner; which was concurred in.

Mr. Hill, of Stokes, presented the petition of James Larrimore, praying that the purchase money, which he paid into the Treasury for land therein mentioned, be refunded to him; which was referred to the committee of Claims.

The following bills were presented, to wit: By Mr. Gilchrist, a bill to annex part of the lower regiment to the upper regiment in Robeson county; by Mr. Baker, a bill to alter the times of holding two of the County Courts in the county of Brunswick; by Mr. Baughn, a bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions of the county of Rockingham;" by Mr. Hill, of Franklin, a bill to repeal so much of the existing laws on the subject of internal improvement as authorises the Board to employ a Civil Engineer; by Mr. Copeland, a bill to alter the names of Wiley Wiggins, Ricks Wiggins, Micajah Wiggins and John Wiggins, and to legitimate them; by Mr. Legrand, a bill concerning the militia of the county of Montgomery; and by Mr. Hogan, a bill to amend an act, passed in 1784, concerning roads, &c. which bills were severally read the first time and passed.

The following engrossed bills were read the second and third times and

passed, and ordered to be enrolled, to wit: A bill to appoint commissioners to lay off a road from John Harden's to Ashe court house, and for other purposes; a bill to amend an act, entitled "an act to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen to appoint a committee of Finance," passed in the year 1822, so far as relates to the county of Bladen; a bill to repeal part of an act, passed in the year 1820, entitled "an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes;" a bill to divide the regiment of militia in Rockingham county; a bill to make compensation to the jurors of the Superior and County Courts of Randolph county; a bill to establish Williams Academy, in the county of Duplin, and to incorporate the trustees thereof; a bill supplemental to an act, passed at the present session of the General Assembly, entitled "an act to extend the provisions of an act, passed in 1824, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person to the county of Rowan;" a bill to incorporate Lafayette Lodge, in Onslow county; a bill to allow commissions to Constables in the county of Halifax; a bill respecting the Court of Pleas and Quarter Sessions of the county of Tyrrell; a bill giving exclusive jurisdiction to the Superior Court of Anson of pleas and prosecutions of the State; a bill concerning the appointment and powers of patrols in the county of Robeson; a bill to repeal an act, passed in the year 1822, entitled "an act to exempt certain citizens of Hyde county from public duty;" and a bill to establish a poor house in the county of Martin.

The resolution in favor of George W. Lumsden, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill directing the manner in which Constables shall be hereafter appointed in the county of Sampson, was read the second time and passed; and the same being read the third time, it was resolved by the Senate that this bill shall not pass.

Received from the House of Commons, a message, stating that they have passed a bill to provide for the removal of the shoal in Tar river below the town of Washington; a bill to encourage the publication of a historical and scientific work on this State; a bill for the relief of certain purchasers of the Cherokee lands; a bill to prescribe the duties of the Attorney General, and to appoint two Solicitors for the third and fourth Judicial Circuits; a bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52nd, and for other purposes; and a bill to authorise the Courts of Pleas and Quarter Sessions of Carteret and Jones counties to appoint special Justices of the Peace, and making compensation to such Justices for certain services; also a resolution in favour of the Public Treasurer; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first time and passed.

The bill limiting the time within which prosecutions for certain offences shall be commenced, was read the third time. Mr. Hogan moved to strike out the word "*three*," as an amendment to the said bill; which was agreed to. Mr. Spaight then moved to insert the word "*four*;"

which was not agreed to. Mr. Hogan moved to insert "*two*;" which was agreed to. Mr. Hill moved to strike out the second and third sections of the bill; which was not agreed to. Thereupon, on motion of Mr. Gilchrist, the same was referred to the committee on the Judiciary.

Received from the House of Commons, a message, stating their concurrence in the amendments made by the Senate in the engrossed bill to amend an act, entitled "an act to amend an act entitled 'an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes,'" passed in the year 1792. Thereupon, the said bill was ordered to be enrolled. Mr. Forney moved to reconsider the vote, taken this day, rejecting the engrossed bill directing the manner in which Constables shall be hereafter appointed in the county of Sampson; which was agreed to, and the said bill being read, was passed the third time and ordered to be enrolled.

The bill prescribing the time and places of electing the members of the General Assembly for the county of Wayne, members of Congress, and electors to vote for President and Vice President of the United States, and to repeal part of an act, passed in 1824, prescribing the time and places of electing members to the General Assembly, members to Congress, and electors to vote for President and Vice President of the United States, was read the third time. Mr. Howell moved to amend the bill, by striking out the words "*unset*," in the fourth line of the 4th section, and inserting "five o'clock;" which was agreed to; and the same was further amended, on motion of Mr. Ward, by adding the words, "*to open the polls at eleven o'clock*," in the 3d line, and the words "*two o'clock in the afternoon*," in the 9th line. Thereupon the said bill was passed the third time, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill to raise a fund to complete the navigation of Neuse river from Smithfield, in Johnston county, to Cobbs' mill, in Wake county, was read the second time, and, on motion of Mr. Hogan, the same was indefinitely postponed. The yeas and nays on this question were demanded by Mr. Hogan, and are as follows:

For the indefinite postponement of the bill, are Messrs. Baker, Bethune, Baughn, Boykin, Beasley, Davidson of Iredell, Dowd, Davenport, Formyduval, Gibbs, Hargrave, Hill of Franklin, Harrell, Hogan, Howell, Joiner, M'Dowell of Burke, Marsh, Matthews, M'Daniel, Montgomery, Nichols, Parker, Pool, Riddick, Salyear, Sanders, Smithwick, Williams, Wilson of Edgecombe—Yeas 30.

Against the indefinite postponement of the bill, are Messrs. Alexander, Davis, Davidson of Mecklenburg, Devane, Forney, Gilchrist, Hollamon, Hill of Stokes, Hawkins, Jones of Rowan, Love, Legrand, Leak, M'Dowell of Buncombe, Pickett, Poindexter, Smith, Sneed, Spaight of Craven, Speight of Greene, Shuford, Seawell, Vanhook, Wilson of Camden, Whitfield, Ward—Nays 26.

The bill to aid in the establishment of a fund for the support of schools for the convenient instruction of youth, &c. &c. was read the third time, and, on motion of Mr. Speight, of Greene, was referred to a committee of the whole House, to whom was referred the bill for the promotion of Education, and made the order of the day for Monday next.

Mr. Pickett presented a bill concerning the settlement of Guardians appointed by the Superior Courts; and Mr. Smithwick presented a bill directing at what time the polls shall be closed at the separate elections in

the county of Martin; which were severally read the first time and passed.

The bill for the better protection of public bridges owned by individuals or corporations, and prescribing the punishment for burning the same; and the bill to provide for the security of persons purchasing slaves, sold by virtue of executions issued by Justices of the Peace, were severally read the third time and passed, and ordered to be engrossed.

Mr. Boddie presented the petition of James Smith, of Covington county, and State of Mississippi, praying an allowance for certain certificates by him presented, which were given to soldiers in the Revolutionary War; and, on motion of Mr. Boddie, the same was referred to the committee of Claims.

Received from the House of Commons, the resignation of Thomas V. Hargis, Colonel of Cavalry attached to the 16th Brigade of Militia; Thomas Arkinson, Lieutenant Colonel of the Caswell Regiment of Militia; and John M'Mullen, Justice of the Peace of Caswell county; which were severally read and accepted by the Senate.

Mr. Sanders presented the resignation of J. Richardson, as Justice of the Peace of Johnston county; which was read and accepted, and sent to the House of Commons.

The Senate adjourned to 10 o'clock, on Monday morning.

MONDAY, DECEMBER 26, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution in favor of the Doorkeepers; in which they ask the concurrence of that House.

On motion of Mr. Bethune, a message was sent to the House of Commons, proposing that the joint resolution of the two Houses relative to the introduction of private bills, be *suspended* so far as regards a bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes.

The bill to authorise the Courts of Pleas and Quarter Sessions of Carteret and Jones counties to appoint Special Justices of the Peace, and making compensation to such Justices for certain services, was read the second time, and amended, on motion of Mr. M'Daniel, by striking out so much of the bill as relates to the county of Jones; and the same was further amended, on motion of Mr. Davis, by inserting in the 9th line of the first section the following words, to wit: "*and concurring in the appointment.*" Thereupon the said bill was read the second and third times and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

The bill directing at what time the polls shall be closed at the separate elections in the county of Martin, was read the second and third times and passed; and the same was amended on the second reading, on motion of Mr. Harrell, by making the provisions of the bill apply to the county of Gates. Thereupon a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham; the bill to annex a part of the

lower Regiment to the upper Regiment in Robeson county; the bill to alter the times of holding two of the County Courts in the county of Brunswick; the bill to alter the names of Wiley Wiggins, Ricks Wiggins, Micajah Wiggins, and John Wiggins, and to legitimate them; and the bill concerning the militia of the county of Montgomery, were severally read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52d, and for other purposes, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to alter the name of Mary Ann Allender, and to legitimate her; and the bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields; and that they have indefinitely postponed the bill to amend an act, passed in the year 1824, entitled "an act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke;" and passed a resolution in favor of Hugh and Eli Stuart, of Mecklenburg county; in which they ask the concurrence of the Senate. Thereupon the said resolution was read and agreed to, and ordered to be enrolled.

The Senate resolved itself into a committee of the whole House, Mr. Pickett in the Chair, to take into consideration the bill to create a fund for the establishment and support of common schools, and the bill to aid in the establishment of a fund for the support of schools for the convenient instruction of youth; and, after some time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Pickett, the Chairman, reported the first mentioned bill with an amendment; which was agreed to by the Senate, and the said bill was read the second time and passed. Mr. Pickett, from the committee of the whole House, then reported the bill to aid in the establishment of a fund for the support of schools for the convenient instruction of youth, &c. without amendment; which, on motion of Mr. Sneed, was ordered to be laid on the table.

Mr. Hill, of Franklin, moved that the 11th rule of decorum for the government of the Senate, requiring "*that all bills of a public nature, when ready for the second hearing, shall be noted to be read at least one day previous thereto,*" be dispensed with for the remaining part of the present session; which was agreed to.

The bill to amend an act, passed in 1784, concerning roads, &c. was read the second time, and, on motion of Mr. Speight, of Greene, the same was indefinitely postponed.

The bill to repeal the several acts of the Assembly, passed in the years 1815, 1818, 1822 and 1823, incorporating a company to make a turnpike road from Pango river, in Hyde county, to the town of Plymouth, in Washington county, was read the second time and passed.

The bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to lands within this State," and the bill concerning the settlement of guardians appointed by the Superior Courts, were severally read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to encourage the publication of a historical and sci-

entific work on this State, was read the second time; and it was resolved by the Senate that this bill shall not pass.

The bill for the relief of certain purchasers of the Cherokee lands, was read the second time. Mr. Montgomery moved that the bill be laid on the table; which was not agreed to. Mr. Seawell moved to amend the bill by adding the following words in the 13th line of the first section, to wit: after the word "*were*" the words "*materially interfered with;*" which amendment was agreed to. The question then recurred on the passage of the said bill the second time; which was determined in the affirmative. Thereupon the same was read the third time. Mr. Gilchrist moved that the bill be indefinitely postponed; which was not agreed to; and, on motion of Mr. Speight, of Greene, the further consideration thereof was postponed until to-morrow.

The engrossed bill to prescribe the duties of the Attorney General, and to appoint two Solicitors for the third and fourth judicial circuits, was read the second time, and, on motion of Mr. Speight, of Greene, the same was indefinitely postponed. The yeas and nays on this question were demanded by Mr. Montgomery, and are as follows, to wit:

For the indefinite postponement of the bill, are Messrs. Alexander, Baker, Bethune, Boddie, Baughn, Boykin, Beasley, Davis, Davidson of Iredell, Davidson of Mecklenburg, Dowd, Devane, Davenport, Forney, Gibbs, Gilchrist, Hollamon, Hargrave, Hill of Franklin, Harrell, Hogan, Hill of Stokes, Joiner, Jones of Rowan, Love, Legrand, Leak, Melvin, M'Dowell of Burke, Matthews, M'Daniel, Nichols, Pickett, Parker, Pool, Poindexter, Riddick, Smith, Salyear, Sneed, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Shuford, Seawell, Vanhook, Williams, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Yeas 52.

Against the indefinite postponement of the bill, are Messrs. Marsh, Montgomery—Nays 2.

Mr. Hill, of Franklin, moved to reconsider the vote taken on Saturday last upon the indefinite postponement of the bill to raise a fund to complete the navigation of Neuse river from Smithfield, in Johnston county, to Cobbs' mill, in Wake county; which was agreed to. Thereupon the said bill, on motion of Mr. Seawell, was ordered to lie on the table.

The Senate adjourned to 10 o'clock, to-morrow morning.

TUESDAY, DECEMBER 27, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: a bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham;" a bill for the better protection of public bridges owned by individuals or corporations, and prescribing the punishment for burning the same; a bill to provide for the security of persons purchasing slaves, sold by virtue of executions issued by Justices of the peace; a bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to land within this State;" a bill to alter the names of Wiley Wiggins, Ricks Wiggins, Micajah Wiggins and John Wiggins, and to legitimate them; a bill to alter the times of holding two of the County Courts in the county of Brunswick; a bill to annex a part of the lower Regiment to the upper Regiment in Robeson county; a bill concerning the settlement of Guardians appointed by the Superior Courts;

and a bill concerning the Militia of the county of Montgomery; in which they ask the concurrence of that House.

On motion of Mr. M'Dowell, of Burke, Mr. Hawkins, the Senator from the county of Warren, obtained leave of absence from the services of this House, from and after this day, until the end of the present session.

On motion of Mr. Alexander, a message was sent to the House of Commons, proposing that a balloting take place for a Major of Cavalry attached to the 11th Brigade of Militia, and nominating for that appointment Robert Kirkpatrick.

Mr. Sneed moved that the Senate do now consider the report of the committee of Claims on the memorial of Horace A. Burton, executor of Robert Burton, deceased, which was agreed to; and the same being read, Mr. Sneed moved that the same be committed to the same committee; which was not agreed to. The question then recurred on concurring in the report, which is unfavorable to the prayer of the petitioner, and the same was determined in the affirmative; and, on motion of Mr. Sneed, the petitioner obtained leave to withdraw the documents accompanying the petition.

Mr. Wilson, of Edgecombe, presented a statement from sundry citizens of Edgecombe county on the propriety of passing a law for the suppression of religious associations of negroes; and, on motion of Mr. Wilson, the same was referred to a select committee. Thereupon Messrs. Wilson of Edgecombe, Spaight of Craven, Forney, Speight of Greene, and Bethune were appointed the said committee.

Mr. Pickett, from the committee on the Judiciary, to whom was referred the petition of Duncan M'Rae, of Montgomery county, reported unfavorable to the prayer of the petitioner; which was concurred in.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the petition of Polydore Johnson, of Raleigh, reported a bill to emancipate Sally and Edward, the slaves and children of Polydore Johnson; which was read, and it was resolved by the Senate that this bill shall not pass.

Mr. Hill, of Stokes, from the committee on the proposed amendment of the Constitution of the United States, as respects President and Vice President, to whom was referred the resolution relative to the Constitution of the United States, reported the same without amendment; which, on motion of Mr. Pickett, was ordered to lie on the table.

Received from the House of Commons, a message, agreeing to ballot for a Major of Cavalry attached to the 11th Brigade of Militia, and stating that Mr. Best and Mr. Underwood are appointed to conduct the balloting on the part of that House. Thereupon Mr. Alexander and Mr. Dowd were appointed to conduct the balloting on the part of the Senate.

Mr. Hogan presented a bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties; which was read the first time and passed.

The bill to create a fund for the establishment and support of common schools; and the engrossed bill for the relief of certain purchasers of the Cherokee Lands, were severally read the third time and passed, and the first mentioned bill was ordered to be engrossed, and a message was sent

to the House of Commons, asking their concurrence in the amendment which was made in the last mentioned bill on the second reading.

Mr. Dowd presented the resignation of David Reed, as Justice of the peace of Moore county; which was read and accepted, and sent to the House of Commons.

The Senate adjourned to 3 o'clock, this afternoon.

TUESDAY EVENING, 3 O'CLOCK.

The Senate met.

Mr. Alexander, from the committee appointed to conduct the balloting for a Major of Cavalry attached to the 11th Brigade of the Militia, reported that Robert Kirkpatrick was duly elected; which report was concurred in.

Mr. Marsh moved to reconsider the vote of the Senate on the rejection of the engrossed bill to encourage the publication of a historical and scientific work on this State, which was agreed to; and thereupon the Senate adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, DECEMBER 28, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to create a fund for the establishment and support of common schools; in which they ask the concurrence of that House.

On motion of Mr. Hill, of Franklin, Mr. Jones, the Senator from the county of Rowan, obtained leave of absence from the services of this House, from and after Friday next, until the end of the present session.

Mr. Davidson, of Mecklenburg, presented a certificate in favor of Leah Beaty, widow of John Beaty, a soldier in the revolutionary war; which, on motion of Mr. Davidson, was countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Davidson, of Mecklenburg, from the committee of Propositions and Grievances, to whom was referred the bill to legitimate and alter the name of Malcom Monroe Walker, of Wake county, the natural son of William Andrews, of the same county, reported the said bill without amendment; which, on motion of Mr. Sneed, was ordered to lie on the table.

Received from the House of Commons, a message, proposing to ballot this morning for Colonel, Lieutenant Colonel and Major of Cavalry attached to the 16th Brigade and 3d Division of the Militia, and stating that John Willey is nominated for Colonel; Reuben Walton, for Lieutenant Colonel and Elijah Hester, for Major; which proposition was agreed to, and Mr. Sneed and Mr. Vanhook were appointed to conduct the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that they agree to the several amendments made in the Senate to the engrossed bill prescribing the time and places of electing the members of the General Assembly for the county of Wayne, Members of Congress, &c. also that they agree to the amendments made by the Senate in the bill to authorise the Courts of Pleas and Quarter Sessions of Carteret and Jones counties to appoint special Justices of the Peace, and making compensation to such Justices for certain services; and that they agree to the amendments made

by the Senate in the bill directing at what time the polls shall be closed at the separate elections in the county of Martin. Thereupon the said bills were severally ordered to be enrolled.

Received from the House of Commons, a message, stating that they agree to the proposition of the Senate to suspend the joint resolution relative to the introduction of private bills, so far as regards a bill for the better regulation of the committee of Finance in the Courts of Cumberland, and for other purposes. Thereupon Mr. Be hune presented the said bill, which was read the first time and passed.

Received from the House of Commons, a message, stating that Mr. Lewis and Mr. Williamson attend the Senate to conduct the balloting for Cavalry Officers in the 16th Brigade and 3d Division of Militia, and that the name of Samuel Mitchell is added to the nomination for Major.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity; and that they have passed a bill for the better regulation of the Courts of Pleas and Quarter Sessions of Guilford county; a bill to amend an act, passed in the year 1814, entitled "an act for the better regulation of Wilkesborough, in the county of Wilkes;" and a bill directing the Board of Internal Improvement to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first time and passed.

Mr. Pickett, from the committee on the Judiciary, to whom was referred the bill limiting the time within which prosecutions for certain offences shall be commenced, reported the said bill with sundry amendments; which were agreed to by the Senate. Thereupon the said bill was read the third time, and amended, on motion of Mr. Seawell, by inserting in the 18th line of the first section, after the word "*remove*," the words "*or abscond*;" and the same was further amended, on motion of Mr. Pickett, by inserting in the 19th line of the same section the words "*or conceal himself in the county*." The question then recurred on the passage of the said bill the third time; which was determined in the affirmative, and the same was ordered to be engrossed.

The engrossed bill to encourage the publication of a historical and scientific work on this State, was read the second time. Mr. Speight, of Greene, moved to strike out the words "*twenty five*," in the twenty third line of the first section, and insert the word "*fifteen*," and Mr. Hill, of Franklin, moved that the bill, together with the amendments under consideration, be indefinitely postponed; which was not agreed to. The question then recurred on the motion of Mr. Speight, of Greene, and a division of the question being called for, the motion to strike out was agreed to. The question then recurred on filling the blank with the word "*fifteen*;" which was agreed to. Mr. Ward then moved to amend the bill by inserting the following, after the word "*same*," in the fourth line of the first section, to wit: "That the Governor of the State be, and he is hereby authorised to raise or cause to be raised by way of Lottery, from time to time, the sum of twenty-five thousand dollars, in which the State shall in no wise be liable for the payment of the prizes; and he is hereby

authorised. after such sum is so raised, to loan the same to the said Archibald D. Murphey, for the term of six years, without interest, upon condition that said Murphey give bond with approved security, that he will publish or cause to be published said historical and scientific work within, or at the expiration of six years; and that he will furnish, or cause to be furnished to the State, as many volumes of said work as may be deemed, by the Governor, Treasurer and Comptroller, to be worth twenty thousand dollars at a fair valuation; which, when so delivered, shall be in full for the twenty-five thousand dollars so loaned." Mr. Sneed moved to commit the bill to a select committee; which was not agreed to. The question then recurred on the amendment proposed by Mr. Ward, and there being an equal number of votes for and against the amendment, the Speaker of the Senate voted in the negative, and the amendment was not agreed to. Mr. Forney then moved to add a second section to the bill as follows, to wit: "And be it further enacted by the authority aforesaid, that it shall not be lawful, under any pretence whatever, to have more than three classes or drawings of the said Lottery for the purpose of raising the sum required by this act." Which amendment was agreed to. The question then recurred on the passage of the bill the second time, which was determined in the affirmative. The yeas and nays on this question being demanded by Mr. Dowd, are as follows:

For the passage of the bill, are Messrs. Alexander, Bethune, Beasley, Davis, Davidson of Mecklenburg, Forney, Gilchrist, Hollamon, Hargrave, Hogan, Hill of Stokes, Jones of Rowan, Love, Legrand, Leak, M'Dowell of Buncombe, M'Dowell of Burke, Matthews, Montgomery, Nichols, Pickett, Parker, Pool, Poindexter, Smith, Sneed, Spaight of Craven, Speight of Greene, Shuford, Seawell, Vanhook—Yeas 31.

Against the passage of the bill, are Messrs. Baker, Boddie, Baughn, Boykin, Davidson of Iredell, Dowd, Devane, Formyduval, Gibbs, Hill of Franklin, Harrell, Joiner, Melvin, Marsh, M'Daniel, Riddick, Salyear, Sanders, Smithwick, Williams, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Nays 24.

Thereupon the said bill was read the third time. Mr. Hill, of Franklin, moved to add a third section to the bill, in the following words, to wit: "And be it further enacted, that the benefits of this act shall only vest in Mr. Murphey, when he shall have conveyed to the Governor of the State, for the use of the State, all right and right of possession to all papers and documents touching and concerning the aforesaid history he may possess, at his death, provided he may die before he completes the said work." Which amendment was agreed to. Mr. Dowd then moved that the bill lie on the table; which was not agreed to. Mr. Joiner moved that the bill be amended, by adding the following words, to wit: "That the said Lottery scheme shall not be sold nor managed by any person but a native born citizen of North Carolina;" which was not agreed to. The question then recurred on the passage of the bill the third time; which was determined in the affirmative. The yeas and nays on this question being demanded by Mr. Dowd, are as follows:

For the passage of the bill, are Messrs. Alexander, Bethune, Beasley, Davis, Davidson of Mecklenburg, Davenport, Forney, Gilchrist, Hollamon, Hargrave, Hogan, Hill of Stokes, Jones of Rowan, Love, Legrand, Leak, M'Dowell of Buncombe, M'Dowell of Burke, Matthews, Montgomery, Nichols, Pickett, Parker, Pool, Poindexter, Smith, Sneed, Spaight of Craven, Speight of Greene, Shuford, Seawell, Vanhook—Yeas 32.

Against the passage of the said bill, are Messrs. Baker, Boddie, Baughn, Boykin,

Davidson of Iredell, Dowd, Devane, Formyduval, Gibbs, Hill of Franklin, Harrell, Joiner, Melvin, Marsh, M'Daniel, Riddick, Salyear, Sanders, Smithwick, Williams, Wilson of Camden, Wilson of Edgecombe, Whitfield, Ward—Nays 24.

Thereupon a message was sent to the House of Commons, asking their concurrence in the amendments made by the Senate in the said bill.

The Engrossed bill directing the Board of Internal Improvement to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same, was read the second time. Mr. Sneed moved to amend the same, by adding the words "*and his successors in office,*" in the 13th line of the first section, after the word "*being;*" which was agreed to. Thereupon the said bill passed the second and third time, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill for the better regulation of the Courts of Pleas and Quarter Sessions of Guilford county, was read the second time, and it was resolved by the Senate that this bill shall not pass.

The bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties, was read the second time and passed, and amended, on motion of Mr. Seawell, by adding after the word "*law,*" in the 24th line of the first section, the following words, to wit: "*and the Clerk of the Court is hereby required to enter on record the names of the Justices who concur in accepting the said security.*"

The engrossed bill to provide for the removal of the shoal in the Tar river below the town of Washington, was read the second time, and, on motion of Mr. Forney, was ordered to lie on the table.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to alter the names of Willie Wiggins, Ricks Wiggins, Micajah Wiggins, and John Wiggins, and to legitimate them; and also stating that they agree to the several amendments made by the Senate in the engrossed bill for the relief of certain purchasers of the Cherokee lands. Thereupon the said bill was ordered to be enrolled.

The bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes; and the bill to raise a fund to complete the navigation of Neuse river from Smithfield, in Johnston county, to Cobbs' mill, in Wake county, were read the second and third times and passed; and the last mentioned bill was amended, on motion of Mr. Seawell, by striking out all the words of the said bill except the words "*a bill,*" and substituting the amendment by him submitted. Thereupon the said bills were ordered to be engrossed.

The engrossed bill to amend an act, passed in the year 1814, entitled "an act for the better regulation of the town of Wilkesborough, in the county of Wilkes," was read the second and third times and passed, and ordered to be enrolled.

Mr. Vanhook, from the committee appointed to conduct the balloting for Cavalry officers attached to the 16th Brigade and 3rd Division of the militia, reported that John Willie is elected Colonel; Reuben Walton, Lieutenant Colonel; and Elijah Hester, Major; which report was concurred in.

Received from the House of Commons, the resignations of John Stock-

ard, as Colonel Commandant, and Robert Graham, as Major of the third Regiment of militia in Orange county; also Robert Cannon, of Wake county; Malcom Monroe, of Cumberland county; Henry Rippel, of Stokes county; and John Shaw, of Wake county, Justices of the Peace; which were severally read and accepted by the Senate.

Thereupon the Senate adjourned to 10 o'clock, to-morrow morning.

THURSDAY, DECEMBER 29, 1825.

The Senate met.

A message was sent to the House of Commons, stating that they have passed a bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes; a bill limiting the time within which prosecutions for certain offences shall be commenced; and a bill concerning the navigation of Neuse river; in which they ask the concurrence of that House.

Mr. Wilson, from the select committee to whom was referred a statement from sundry citizens of Edgecombe county, on the propriety of passing a law for the suppression of religious associations of negroes, reported a bill to amend an act to prevent conspiracies and insurrections among slaves, passed in the year 1802; which was read the first time and passed.

Received from the House of Commons, a message, proposing that the joint rule of the two Houses prohibiting the introduction of private bills after the 24th instant be suspended, so far as to admit the introduction of the bills therein named; which proposition was not agreed to.

Also received a message from that House, stating that they have passed the engrossed bill concerning the town of Oxford, with an amendment; which was agreed to by the Senate.

Received from the House of Commons, a message, stating that they concur in the amendments made by the Senate in the bill to encourage the publication of a historical and scientific work on this State, except the last mentioned amendment, in which they do not concur; and the same is in the following words, to wit: "And be it further enacted, that the benefits of this act shall only vest in Mr. Murphey, when he shall have conveyed to the Governor of the State, for the use of the State, all right and right of possession to all papers and documents, touching and concerning the aforesaid history, he may possess at his death, provided he may die before he completes the said work." Mr. Speight, of Greene, moved that the Senate *recede* from their amendment; which was not agreed to. Mr. Seawell then moved that the Senate *insist* on their said amendment; which was agreed to, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to repeal in part the several acts of the General Assembly respecting the sales of land and slaves under execution, so far as regards the county of Gates, with an amendment, to make the provisions of the bill apply to the county of Hertford; which amendment was agreed to by the Senate. Received also a message from that House, stating that they concur in the amendment made by the Senate to the engrossed bill directing the Board of Internal Improvement to make contracts with such persons as may hereafter undertake any of the public

improvements in this State, and to take bond and security for the performance of the same. Thereupon the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating that they have postponed indefinitely the engrossed bill to repeal an act, passed in the year 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham; and the engrossed bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes.

On motion of Mr. Spaight, of Craven, Mr. Whitfield, the Senator from the county of Lenoir, obtained leave of absence from the services of this House, from and after to-morrow, until the end of the present session.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to annex a part of the lower Regiment to the upper Regiment in Robeson county, with an amendment, to strike out the word "*upper*" wherever it appears in the bill, as applied to the "*Regiment*," and insert the word "*second*;" which amendment was agreed to by the Senate.

Mr. Gilchrist, from the committee of Claims, to whom was referred the petition of James Larrimore, praying to have refunded to him the purchase money which he paid for certain entries of land, made a report unfavorable to the prayer of the petitioner; which was concurred in, and, on motion of Mr. Hill, of Stokes, the petitioner obtained leave to withdraw the certificates accompanying his petition.

Mr. Gilchrist, from the same committee, to whom was referred the petition of W. Whitaker and others, of Wake county, reported the following resolution, to wit:

Resolved, That the Public Treasurer pay to W. Whitaker, N. G. Rand, and F. H. Reeder the sum of fifteen dollars each, their reasonable expenses in attending a Brigade Court Martial, convened at Nashville on the trial of David Daniel, a Colonel in the Nash Regiment; and that he be allowed the same in the settlement of his accounts.

Which was read the first time and passed.

Mr. Speight, of Greene, presented a bill to prevent emancipating societies in this State; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to change the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables in said county; a bill for the better regulation of the town of Pittsborough, in Chatham county; a bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton; a bill to prevent persons from injuring a dam and canal, lately constructed by Ebenezer Pettegrew, in the county of Tyrrell; a bill to amend an act, entitled "an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same;" a bill to incorporate Eastern Lodge, in the county of Pasquotank; a bill to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town; a bill to regulate the patrol of Lenoir county; a bill to incorporate Fellowship Lodge, No. 84, in the county of Johnston; a bill authorising David Craig, of the county of Rowan, to erect two gates on the public road leading to the South Yadkin river; a bill to authorise Abner Payne, of the county of Burke, to

erect a gate on his own lands across the road leading to Lincolnton; a bill to repeal part of an act, passed in 1818, entitled "an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special Justices of the Peace, and making compensation to such Justices for certain services; a bill concerning the Courts of Pleas and Quarter Sessions of the county of Bladen; a bill to provide for the payment of jurors of the county of Nash; a bill for the better regulation of the Court of Pleas and Quarter Sessions for the county of Wilkes; a bill to incorporate the Cotton Plant Steam Boat Company, on the Cape-Fear river; and a bill concerning the county of Lincoln; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled, except the three bills last mentioned, which were postponed indefinitely, on their second reading.

The bill to amend an act to prevent conspiracies and insurrections among slaves, passed in the year 1802, was read the second time, and, on motion of Mr. Hill, of Franklin, was amended by inserting, in the 9th line of the first section, the following words, to wit: "*or white person having charge of the meeting house.*" Mr. Formyduval moved to further amend the bill by striking out the word "*moderately,*" in the 22d line of the same section, and inserting the word "*well;*" which was agreed to. Mr. Seawell then moved to insert the word "*advice,*" in the 3d line of the second section; which was agreed to, and thereupon the said bill passed the second and third times, and was ordered to be engrossed.

The Senate adjourned to 10 o'clock, to-morrow morning.

FRIDAY, DECEMBER 30, 1825.

The Senate met.

Mr. Vanhook presented a resolution directing the Secretary of State to purchase suitable stationary for the Executive Office, the officers of the other Departments of Government, and the Clerks of the General Assembly, for the ensuing year; which was agreed to, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to establish a poor house in Granville county, and for other purposes; in which they ask the concurrence of the Senate. Thereupon the said bill was read the first, second and third times and passed; and the same was amended on the third reading, on motion of Mr. Sneed, by inserting in the fourth line of the 4th section the following words, to wit: "*and before said election shall take place.*" Thereupon a message was sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Love, a message was sent to the House of Commons, proposing to ballot for a Board of Internal Improvement for the ensuing year, and stating that James Iredell, Daniel M. Forney and Edward B. Dudley are in nomination; and a message was received from that House, agreeing to the proposition to ballot, and stating that the name of Michael Holt, of Orange county, is added to the nomination; and that Mr. Miller and Mr. Ashe are appointed to conduct the balloting on their part.— Thereupon Mr. Leak and Mr. Hill of Stokes were appointed superintendents of the balloting on the part of the Senate.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act to prevent conspiracies and insurrections among slaves, passed in 1802; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they have postponed indefinitely the engrossed bill limiting the time within which prosecutions for certain offences shall be commenced; and that they have rejected the engrossed bill concerning company musters of militia; also stating that they have passed the engrossed bill to authorise the County Courts of Stokes and Guilford to appoint a committee of Finance; the engrossed bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull creek, in said county, into districts, for the purpose of being worked on and rendered navigable; and the engrossed bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, with amendments in each of the said bills; in which they ask the concurrence of the Senate; and the same were severally read and agreed to, and the House of Commons was informed thereof by message.

The engrossed bill from the House of Commons, to incorporate the North-Carolina Gold Mine Company, was read the first, second and third times and passed, and amended, on motion of Mr. Seawell, by inserting in the 8th line of the 2d section, the following words, to wit: "in the same manner as merchants and copartners in trade, and may be sued accordingly;" and also, by adding a fifth section to the bill, to wit: "And be it further enacted, that it shall be competent for the Legislature of this State to repeal or to modify and amend this act, as shall appear necessary and expedient." And the bill was further amended, on motion of Mr. Sneed, by inserting the words "digging, washing and mining for gold in this State." Thereupon a message was sent to the House of Commons, asking their concurrence in the amendments. On the question upon the passage of the said bill the third time in the Senate, the yeas and nays were demanded by Mr. Joiner, and are as follows, to wit:

For the passage of the said bill, are Messrs. Alexander, Baker, Bethune, Boddie, Boykin, Beasley, Davis, Davidson of Iredell, Davidson of Mecklenburg, Davenport, Forney, Gilchrist, Hollamon, Hargrave, Hill of Franklin, Hogan, Jones of Rowan, Love, Melvin, M'Dowell of Buncombe, M'Dowell of Burke, Matthews, M'Daniel, Montgomery, Nichols, Pickett, Pool, Poindexter, Riddick, Smith, Sneed, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Shuford, Vanhook, Wilson of Edgecombe, Ward—Yeas 39.

Against the passage of the said bill, are Messrs. Baughn, Dowd, Devane, Formyduval, Gibbs, Harrell, Joiner, Marsh, Parker, Salyear, Wilson of Camden—Nays 11.

Received from the House of Commons, a message, stating that they have passed a bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan; a bill to incorporate Morning Star Lodge, in the town of Nashville, Nash county; a bill to appoint commissioners for the village of Chapel Hill, in Orange county, and for other purposes; a bill directing the manner in which the regiments of infantry of this State shall hereafter be reviewed; a bill concerning stakes in Neuse River below Newbern, or in Core Sound, in Carteret county; and a bill to authorise and direct the payment to the wardens of the poor in each county in the State the tax imposed on retailers of spirituous li-

quors; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled, except the bill last mentioned, which being read, it was resolved by the Senate that the same shall not pass.

Received from the House of Commons, a message, stating that they *insist* upon their *disagreement* to the amendment marked C. as proposed and *insisted* on by the Senate, to the engrossed bill to encourage the publication of a historical and scientific work on this State, and proposing a conference on the subject; which was agreed to, and Mr. Hill of Franklin and Mr. Wilson of Edgecombe were appointed to confer on the part of the Senate.

Received from the House of Commons, a message, stating that they have passed a bill to make appropriation for clearing out the flats below the town of Wilmington; in which they ask the concurrence of the Senate. Thereupon the said bill was read the first time and passed; and the same being read the second time, Mr. Montgomery moved to strike out the word "*six*" in the 5th line of the 1st section, and insert the word "*three*;" and a division of the question being called for by Mr. Wilson, of Edgecombe, the question on striking out was not agreed to. Thereupon the bill passed the second and third times, and was ordered to be enrolled.

Mr. Leak, from the committee appointed to conduct the balloting for a Board of Internal Improvement, reported that James Iredell, Edward B. Dudley and Daniel M. Forney were duly elected; which report was concurred in.

The engrossed bill to provide for the removal of the shoal in the Tar river below the town of Washington, was read the second time. Mr. Wilson, of Edgecombe, moved to amend the bill by adding the following words to the first section after the word "*Washington*," to wit: "Provided, that after the Board of Internal Improvement shall have made a sufficient experiment with the Dredging Machine lately purchased, it shall appear to them practicable to remove the said shoals by means of said Dredging Machine." Which was agreed to. Mr. Davidson, of Mecklenburg, moved to add the following section: "And be it further enacted, that the sum of three thousand five hundred dollars be appropriated out of the fund set apart for internal improvement for repairing and improving the road from Wadesborough to Charlotte; and that the Board of Internal Improvement cause the said road to be surveyed, if they should deem the same necessary, and to open and improve the same in such manner as they may think best, beginning at the worst part of said road, the same being let out by contract to the lowest bidder; and then proceeding on until the whole shall be completed, not exceeding the aforesaid sum of three thousand five hundred dollars." Which was not agreed to. Thereupon the said bill passed the second and third times, and a message was sent to the House of Commons, asking their concurrence in the amendment. On the passage of the said bill the second time, the yeas and nays were demanded by Mr. Hill, of Franklin; which are as follows:

For the passage of the bill, are Messrs. Alexander, Baker, Bethune, Baughn, Boykin, Beasley, Davis, Devane, Davenport, Forney, Gibbs, Gilchrist, Hollamon, Hargrave, Hill of Franklin, Harrell, Hogan, Hill of Stokes, Joiner, Love, Legrand, Leak, McDowell of Buncombe, Matthews, M'Daniel, Nichols, Pickett, Pool, Poin-dexter, Riddick, Smith, Salyear, Sneed, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Shuford, Seawell, Vanhook, Williams, Wilson of Camden, Wilson of Edgecombe, Ward—Yeas 44.

Against the passage of the said bill, are Messrs. Davidson of Iredell, Davidson of Mecklenburg, Dowd, Formydual, Melvin, M'Dowell of Burke, Marsh, Montgomery, Parker—Nays 9.

The resolution in favor of W. Whitaker and others, of Wake county, was read the second time. Mr. Hill, of Franklin, moved that the resolution be amended, by inserting the following words after the name of "*F. H. Reeder*," to wit: "*and all the other officers summoned, and who attended;*" which was not agreed to. Mr. Ward moved to amend the resolution, by adding the following: "Be it further resolved, that the officers and witnesses attending a Court Martial, in Onslow and Duplin counties, ordered by the Brigadier General of the 3rd Brigade, to try Colonel Stephen Miller, of the Duplin Regiment of Infantry, for charges preferred by Capt. James Dunn, of said Regiment, against said Miller, be, and they are hereby authorised to produce their claims before the Treasurer of the State; and the Treasurer is hereby authorised to pay such claims, when so produced properly authenticated." And Mr. Boykin moved to postpone the further consideration of the resolution and the amendments under consideration until the 10th day of January, and the question thereon was determined in the affirmative.

Mr. Seawell presented the following resolution, to wit:

Resolved, That the Public Treasurer be directed to pay to Joseph Gales & Son one hundred and forty three dollars, for printing and attaching to the acts of last session, by order of the General Assembly, the contract entered into between the State and the Cherokee Indians, and for printing done at the present session previous to the election of Public Printer; and that the joint rule which requires all resolutions for the payment of money to be read three times in each House, as respects this resolution, be dispensed with.

Which was agreed to and ordered to be engrossed.

Mr. Davidson, of Mecklenburg, from the joint committee on the Public Buildings, reported the following resolutions:

Resolved, That the sum of five hundred dollars be appropriated for the purpose of purchasing some additional furniture for the Governor's house; and that the Treasurer be, and is hereby instructed to pay over to the Governor the above sum, for which he shall be allowed in the settlement of his public account.

Resolved, That the Comptroller be requested to employ some suitable person to take care of the Capitol, and public square, under the control of the State officers, and at a salary not exceeding one hundred and fifty dollars; which salary the Treasurer is hereby directed to pay half yearly. It shall be the duty of the keeper to take charge of the keys, keep all the house and rooms in clean, nice order; to hang curtains made of green baize before the windows to protect the other curtains from the sun; put a gauze curtain over the picture of Washington in the Commons Hall; rake off the public square Spring and Fall, and burn or haul off the trash; attend visitors, &c.

Resolved, That the Treasurer be, and is hereby instructed to pay for any small repairs that may be wanting in the Capitol or Governor's house.

Resolved, That the rooms in the Capitol opposite the Comptroller's office, and the one opposite the Supreme Court room, be for the use of the House of Commons; and the two small rooms in the upper story be for the use of the Senate; the Conference Hall for the use of both Houses jointly. The keeper of the Capitol is hereby directed to have the lower rooms put in order.

Which were read the first time and passed.

The bill concerning the Catawba Navigation Company, was read the second and third times and passed, and ordered to engrossed.

The engrossed bill making compensation to the jurors for the county of Moore, was read the second and third times and passed; and the

same was amended, on the second reading, on motion of Mr. Dowd, by striking out all the words of the bill, except the words "*a bill*," and substituting the amendment by him submitted; and a message was sent to the House of Commons, asking their concurrence in the same.

The bill to repeal so much of the existing laws on the subject of internal improvement as authorises the Board to employ a Civil Engineer; the bill to legitimate and alter the name of Malcom Monroe Walker, of Wake county, the natural son of William Andrews, of the same county; the bill to repeal the several acts of Assembly, passed in the years 1815, 1818, 1822 and 1823, incorporating a company to make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county; the bill to amend an act, passed in the year 1824, entitled "an act to authorise the opening a road in the counties of Camden and Pasquotank, and the putting a float bridge across Pasquotank river;" the bill to aid in the establishment of a fund for the support of schools for the convenient instruction of youth; and the bill to amend an act of 1814 concerning divorce and alimony, were severally read, and, on motion, were indefinitely postponed.

Mr. Jones, of Rowan, presented the resignation of James Jameson, as Lieutenant Colonel of the first Regiment of militia in Rowan county; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignation of James Brantley, as Major of the Chatham Regiment of militia, and the resignation of David Singletary, as Justice of the Peace of Bladen county; which were read and accepted by the Senate.

Thereupon the Senate adjourned to 10 o'clock, to-morrow morning.

SATURDAY, DECEMBER 31, 1825.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill giving further time to the North Carolina Catawba Navigation Company to complete the navigation of Catawba river; and a resolution instructing the Secretary of State to purchase stationary; also a resolution relative to Joseph Gales & Son; in which they ask the concurrence of that House.

Mr. Sneed presented a bill to give publicity to mortgages, deeds of trust, and marriage contracts; which was read the first time and passed, and, on motion of Mr. Speight, of Greene, was referred to a select committee, consisting of Messrs. Speight of Greene, Sneed, Pickett, Seawell, and Wilson of Edgecombe.

On motion of Mr. Davidson, of Mecklenburg, the report made by the committee on the Public Buildings on the 30th instant, was referred to a select committee, consisting of Messrs. Davidson of Mecklenburg, Forney, Gilchrist, Hill of Stokes, and Hill of Franklin.

Received from the House of Commons, a recommendation of Justices of the Peace for the county of Martin; which was read, and amended, on motion of Mr. Smithwick, by striking out the names of John G. Smithwick, Joseph Robeson and Thomas Shaw; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they

have passed a bill authorising Joseph Welsh, of the county of Haywood, to erect two gates on the public road, called the Smoky Mountain Turnpike road, and Josiah Holly, of Bertie county, to erect and keep up a gate on his own land across the road leading to Colerain Landing; a bill limiting the time in which actions shall be brought on justices' judgments; a bill to authorise the stockholders of the Dismal Swamp Canal Company to increase their capital stock; and a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for the purchase of a piece of land, for the use and benefit of the county of Currituck; also a resolution in favor of Leah Beaty; a resolution in favor of Sherwood Fort; and a resolution in favor of David Sherrell; in which they ask the concurrence of the Senate. Thereupon the said bills and the two resolutions first mentioned were severally read the first time and passed, and the last mentioned resolution was read and agreed to, and ordered to be enrolled.

Received from the House of Commons, the resignation of William Drew, as the Attorney General of this State, and George Bower, as Colonel of Cavalry attached to the 5th division and 9th Brigade of militia; which were read and accepted by the Senate.

The bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties, was read the third time and passed, and amended, on motion of Mr. Sneed, by adding the following provision, to wit: "Provided, that any Justice of the Peace, who shall object to the sufficiency of the security offered and accepted by said court, shall exonerate himself from all liability imposed by this act, by causing his protest to be entered on the minutes of said court." Thereupon the same was ordered to be engrossed.

On motion of Mr. Hill, of Franklin, a message was sent to the House of Commons, proposing that a balloting take place for Attorney General of this State, and nominating for that appointment James F. Taylor; and a message was received from that house, stating that they do not agree to the proposition to ballot on this day for Attorney General, but propose to ballot for that officer on Monday next; which was agreed to by the Senate.

Received also, a message, stating that Mr. Iredell and Mr. Shepperd form the committee of conference on the disagreeing votes of the two Houses on the bill to encourage the publication of a historical and scientific work on this State; and that they concur in the several amendments made by the Senate to the engrossed bills, to wit: a bill to provide for the removal of the shoal in the Tar River below the town of Washington; a bill to establish a poor house in the county of Granville, and for other purposes; and a bill making compensation to the jurors of the county of Moore. Thereupon the said bills were severally ordered to be enrolled.

The bill to prevent emancipating societies in this State, was read the second time, and, on motion of Mr. Pickett, the same was indefinitely postponed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to alter the name of Dicey Cartright, of Perquimons county, and to legitimate her, with an amendment; which being read, Mr. Davidson, of Iredell, moved that the bill, with the amend-

ment from the House of Commons, be indefinitely postponed; and the question thereon was determined in the affirmative.

Received from the House of Commons, a message, stating that they concur in the first amendment made by the Senate to the engrossed bill to incorporate the North Carolina Gold Mine Company; but that they do not concur in the other amendments made by the Senate in the said bill. Thereupon, on motion of Mr. Seawell, the Senate resolved to *insist* on their said amendments, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they have passed a bill for the better regulation of the town of Beaufort; in which they ask the concurrence of the Senate. Thereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for the purchase of a piece of land, for the use and benefit of the county of Currituck," was read, and, on motion of Mr. Seawell, the same was indefinitely postponed.

The engrossed bill to authorise Joseph Welsh, of the county of Haywood, to erect two gates on the public road, called the Smoky Turnpike Road, and Josiah Holly, of Bertie county, to erect and keep up a gate on his own land across the road leading to Colerain Landing, was read the second and third times and passed; and the same was amended, on the second reading, on motion of Mr. Nichols, by adding the following words, to wit: "from the fifteenth of March until the 10th of May, in each year;" after the word "Landing," in the second section of the bill; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill to authorise the stockholders of the Dismal Swamp Canal Company to increase their capital stock; also the resolution in favor of Leah Beaty; and the resolution in favor of Sherwood Fort, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill limiting the time in which actions shall be brought on justices' judgements, was read the second time. Mr. Davis moved to amend the bill, by inserting after the words "*compos mentis*," in the second section, the words "*or beyond sea*;" which was agreed to; and the same was further amended, on motion of Mr. Pickett, by adding to the second section the following words: "*or returning from beyond sea*;" and a message was sent to the House of Commons, asking their concurrence in the amendments.

Thereupon the Senate adjourned to 9 o'clock, on Monday morning.

MONDAY, JANUARY 2, 1826.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that the names of Daniel L. Barringer and G. E. Spruill are added to the nomination for Attorney General of this State; and that Mr. Skinner and Mr. Marshall are appointed to conduct the balloting on the part of that House. Thereupon Mr. Hill of Franklin and Mr. Wilson of Edgecombe were appointed to conduct the balloting on the part of the Senate.

Mr. Davidson, of Mecklenburg, from the select committee to whom was referred the report made by the committee on the Public Buildings on the 30th instant, reported the same with an amendment; which was agreed to by the Senate; and the same being further amended, on motion of Mr. Sneed, by inserting the following words after the word "*Hall*," to wit: "and over the Declaration of Independence in the Hall of the Commons and Senate Chamber;" which was agreed to. Mr. Hogan then moved to strike out the words "*and fifty*" in the 7th line, which was agreed to; and the same passed the second and third times, and was ordered to be engrossed.

On motion of Mr. M'Dowell, of Burke, a message was sent to the House of Commons, proposing to ballot immediately for Colonel Commandant, and Lieutenant Colonel of Cavalry of the 5th Division and 9th Brigade of militia, and nominating Nathaniel Gordon for Colonel Commandant, and Samuel F. Patterson for Lieutenant Colonel.

Mr. Sanders presented the following resolution, to wit:

Resolved, That Jesse Adams be allowed the sum of twenty-four dollars and fifty cents, for carrying a writ of election to the sheriff of Craven county, commanding him to hold an election for a Senator to represent the said county in this General Assembly in the place of John H. Bryan, who resigned; and that the rule requiring resolutions, the object of which is to draw money out of the Treasury, be suspended as far as regards this resolution.

Which was read and agreed to, and ordered to be engrossed.

Mr. Wilson, of Edgecombe, from the committee appointed to conduct the balloting for Attorney General, reported that no person in nomination had received a majority of the votes; and a message was received from the House of Commons, proposing a further balloting for that appointment; which was agreed to by the Senate, and Mr. Wilson of Edgecombe and Mr. Hill of Franklin were appointed to conduct the said balloting. And a message was received from the House of Commons, stating that Mr. Skinner and Mr. Marshall are appointed to conduct the balloting on the part of that House. The engrossed bill to divorce Robert Bigham, Junr. of the county of Mecklenburg, was read the second time; and it was resolved by the Senate that this bill shall not pass.

Mr. Spaight, of Greene, from the select committee, to whom was referred a bill to give publicity to mortgages, deeds of trust and marriage contracts, reported the said bill, with an amendment; which was agreed to by the Senate. Thereupon the said bill passed the second and third times, and was ordered to be engrossed.

Mr. Spaight, of Craven, presented a certificate of an allowance made by the County Court of Craven, in favor of Thomas Ewell and Christopher Bexley, who were of the party of the militia called out under Capt. John Rhem in August, 1821; which being read, it was resolved by the Senate that the same shall not pass.

Received from the House of Commons, a message, stating that they have indefinitely postponed the engrossed bill to alter in part the times of

holding the Superior Courts of Law and Equity in the fifth judicial circuit; and have rejected the engrossed bill directing the manner in which dowers shall hereafter be laid off; and also the engrossed bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes.

On motion of Mr. M'Dowell, of Burke, Mr. Ward, the Senator from the county of Onslow, obtained leave of absence from the services of this House, from and after Saturday last, until the end of the present session.

Mr. Hill, of Franklin, from the committee appointed to conduct the balloting for Attorney General of this State, reported that no person in nomination had received a majority of the votes. Thereupon a message was received from the House of Commons, proposing that a further balloting immediately take place for that appointment, and stating that the name of Samuel Hillman is added to, and George E. Spruill withdrawn from the nomination; which proposition to ballot was agreed to, and Mr. Hill of Franklin and Mr. Wilson of Edgecombe were appointed to conduct the balloting on the part of the Senate. And a message was received from the House of Commons, stating that Mr. Williams and Mr. Scott are appointed to conduct the balloting on the part of that House.

Received from the House of Commons, a message, stating that they have passed a bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes; and a bill to amend and explain the 8th section of an act, passed in 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties within this State to order the laying out public roads;" also a resolution relative to erecting a suitable building for the new bell; in which they ask the concurrence of the Senate. Thereupon the resolution was read the first, second and third times and passed, and ordered to be enrolled, and the bills above mentioned were read the first, second and third times and passed—the first mentioned bill with an amendment, on motion of Mr. Speight, of Greene, to strike out the words "*July next*," and insert "*January, one thousand eight hundred and twenty-seven*;" and the last mentioned bill with an amendment, to strike out the words "*white persons*," and insert "*male slaves*;" and a message was sent to the House of Commons, asking their concurrence in the said amendments. On the passage of the last mentioned bill the third time, the yeas and nays were demanded by Mr. Seawell, and are as follows:

For the passage of the said bill, are Messrs. Alexander, Baker, Bullock, Bethune, Boddie, Beasley, Davis, Davidson of Iredell, Davidson of Mecklenburg, Dowd, Devane, Davenport, Gibbs, Hollaman, Hargrave, Hill of Franklin, Harrell, Love, M'Dowell of Burke, Matthews, M'Daniel, Montgomery, Nichols, Pickett, Pool, Poindexter, Salycar, Sneed, Spaight of Craven, Speight of Greene, Sanders, Smithwick, Shuford, Vanhook, Wilson of Camden, Wilson of Edgecombe—Yeas 36.

Against the passage of the said bill, are Messrs. Baughn, Boykin, Formyduval, Forney, Gilchrist, Hogan, Hill of Stokes, Joiner, Legrand, Leak, Melvin, M'Dowell of Buncombe, Parker, Riddick, Smith, Seawell, Williams—Nays 17.

Mr. Spaight, of Craven, presented a certificate of an allowance made in favor of Captain John Rhem; which was read and ordered to be countersigned by the Speaker of the Senate. Mr. Pickett moved to reconsider the vote taken on the certificate of allowance made to John Rhem; which was agreed to, and the same being reconsidered, Mr. Spaight withdrew his motion, that the Speaker countersign the said certificate; and thereupon presented the following resolution, to wit:

Resolved, That Captain John Rhem, of Craven county, be allowed a pension of one hundred dollars per annum.

Which was not agreed to.

Mr. Wilson, of Edgecombe, from the committee appointed to conduct the balloting of Attorney General of this State, reported that James F. Taylor was duly elected; which report was concurred in.

Received from the House of Commons, a message, stating that they concur in the amendments made by the Senate in the engrossed bill limiting the time in which actions shall be brought on justices' judgments; and to the amendment made in the bill authorising Joseph Welch, of the county of Haywood, to erect two gates on the public road called the Smoky Mountain turnpike road, &c. Thereupon the said bills were ordered to be enrolled.

The Senate adjourned to 3 o'clock, this afternoon.

MONDAY EVENING, 3 O'CLOCK.

The Senate met.

Received from the House of Commons, a message, stating that they do not agree to ballot immediately for Colonel and Lieutenant Colonel of Cavalry attached to the 9th Brigade of Militia, as proposed by the Senate; and also stating that they agree to the amendment made by the Senate in the recommendation for Justices of the Peace for Martin county; and that they *insist* on their disagreement to the amendment made in the Senate to the bill to incorporate the North Carolina Gold Mine Company; and asking for a committee of conference on the disagreeing votes of the two Houses; which was agreed to, and Mr. Seawell and Mr. Forney were appointed the committee on the part of the Senate.

Received from the House of Commons, a recommendation of certain persons as suitable to fill the appointment of Justice of the Peace in Guilford county, signed by the representatives of that county in the House of Commons; which being read, was amended, on motion of Mr. Parker, by striking out the names of John Gladson, Wm. Hayworth and John Moore; and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of the overseers of roads in this State, and for other purposes;" a bill to amend an act, passed in the year 1816, entitled "an act to amend the laws in force respecting the trial of slaves in capital cases, and to extend the provisions thereof to the trial of slaves in certain other cases;" a bill to amend the 6th section of an act, entitled "an act to amend such parts of the act, entitled 'an act to establish Courts of Law, and for regulating the proceedings therein, as may relate to proceedings on attachments,'" passed in the year 1793; and a bill to explain and amend an act, passed in the year 1819, chapter 1000th, giving the Courts of Pleas and Quarter Sessions power to regulate separate elections; and asking the concurrence of the Senate. Thereupon the first and the last mentioned bills were read the first time and passed, and the said bills being read the second time, were, on motion, indefinitely postponed; and the other bills above mentioned were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Seawell, Mr. Salyear, the Senator from the county of Currituck, obtained leave of absence from the services of this House, from and after to-morrow, until the end of the present session.

Mr. Hill, of Franklin, from the committee of conference appointed on the part of the Senate on the disagreeing vote of the two Houses to a bill to encourage the publication of a historical and scientific work on this State, reported that the committee have not been able to agree upon the subject submitted to their conference, and recommend that the Senate do *adhere* to the said amendment; which was not agreed to. Mr. Speight, of Greene, then moved that the Senate do *recede* from their said amendment, and the question thereon was determined in the negative. The yeas and nays on this question being demanded by Mr. Speight, of Greene, are as follows:

For the motion to recede from the amendment, are Messrs. Alexander, Bethune, Davis, Davidson of Mecklenburg, Forney, Gilchrist, Hollamon, Hargrave, Hogan, Hill of Stokes, Love, Legrand, Leak, Melvin, Montgomery, Nichols, Pickett, Parker, Pool, Sneed, Spaight of Craven, Speight of Greene, Sanders, Shuford, Vanhook—Yeas 25.

Against the motion to recede from the said amendment, are Messrs. Baker, Boddie, Baughn, Boykin, Beasley, Davidson of Iredell, Dowd, Devane, Davenport, Forney-duval, Hill of Franklin, Harrell, Joiner, Melvin, M'Dowell of Burke, Marsh, Matthews, M'Daniel, Riddick, Smith, Salyear, Smithwick, Seawell, Williams, Wilson of Camden, Wilson of Edgecombe—Nays 26.

Mr. Seawell then moved that the Senate do *insist* on their said amendment, and Mr. Forney moved that the further consideration of the subject be postponed until to-morrow; which was agreed to.

Received from the House of Commons, a message, stating that they agree to the amendment made by the Senate in the bill to amend and explain the 8th section of an act, passed in the year 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties within this State to order the laying out public roads;" and that they also agree to the amendments made by the Senate in the engrossed bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes. Thereupon the said bills were ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to direct the manner in which licenses shall be hereafter issued to retailers of spirituous liquors, and asking the concurrence of the Senate. Thereupon the said bill was read the first and second times and passed, and amended, on motion of Mr. Boykin, by striking out the word "*eighty*" in the 20th line of the second section, and inserting the word "*fifty*."

Thereupon the Senate adjourned to 10 o'clock, to-morrow morning.

TUESDAY, JANUARY 3, 1826.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to give publicity to mortgages and deeds of trust and marriage contracts; a resolution in favor of Jesse Adams; and resolutions relating to the Governor's House and Capitol.

Mr. Speight, of Greene, presented the following resolutions, to wit:

Resolved, That the Senate lament the decease of their late associate, Jethro How-

ell, Esquire, the Senator from the county of Wayne; and they regret that, in consequence of the intention of his relations to remove his body from this place, they will be prevented from paying the usual testimony of respect to his remains, by attending his funeral.

Resolved, That the members of the Senate will wear crape on the left arm for thirty days, as a testimony of respect which they entertain for the merits of the deceased.

Resolved, That the House of Commons be informed of the death of Jethro Howell, a member of the Senate, and the orders taken in the Senate on account thereof.

Which being read, were *unanimously* agreed to.

Received from the House of Commons, a message, stating that they do not agree to the amendment made by the Senate in the recommendation of Justices of the Peace for the county of Guilford. Thereupon, on motion of Mr. Parker, the same was ordered to lie on the table.

Received from the House of Commons, a message, stating that they have passed the following bills, to wit: A bill to authorise the Court of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance; a bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes; a bill to provide for taking testimony in certain cases in the Supreme Court; a bill to make overseers of public roads competent witnesses as to notice; a bill directing the manner in which the costs of suits decided in the Supreme Court of North Carolina shall hereafter be collected and paid over; a bill to establish a Medicial Society, and to regulate the practice of Physic and Surgery within this State; and a resolution in favor of the Public Treasurer; in which they ask the concurrence of the Senate. Thereupon the said bills and resolution were severally read the first time and passed, except the bill last mentioned; which being read, it was resolved by the Senate that this bill shall not pass.

The engrossed bill to direct the manner in which licenses shall be hereafter issued to retailers of spiritous liquors, was read the third time and passed, and, on motion of Mr. Sneed, was amended by adding the following proviso to the 3d section of the bill, to wit: "*Provided, that no person, by such license, shall be authorised to retail spiritous liquors at more than one place in said county for which said license may be granted;*" and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons, certificates of allowances made by the County Court of Craven, in favor of Captain John Rhem, Thomas Ewell and Christopher Bexley, who were called out, in August, 1821, to render certain services in the militia, and who were wounded at Street's bridge; which certificates were countersigned by the Speaker of that House. Thereupon the same, on motion of Mr. Spaight, of Craven, were countersigned by the Speaker of the Senate.

Mr. Seawell, from the committee on the part of the Senate to confer with a like committee on the part of the House of Commons on the disagreeing votes of the two houses on the amendments made by the Senate in the bill to incorporate the North Carolina Gold Mine Company, reported that the joint committee have not been able to agree upon the matter referred, and recommend that the Senate *insist* on the amendments already *insisted on*; which report was concurred in by the Senate.

The engrossed bill to provide for taking testimony in certain cases in

the Supreme Court; and the bill to make overseers of public roads competent witnesses as to notice; and the resolution in favor of the Public Treasurer, were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes, was read the second time and passed, and the same was amended, on motion of Mr. Sneed, by striking out the 3d section of the bill; and the said bill was thereupon read the third time and passed, and amended, on motion of Mr. Hill, by inserting the words "*County Surveyors*," in the 6th line of the first section; and the same being further amended by striking out the words "*and for other purposes*," in the title of the bill, a message was sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Seawell, a message was sent to the House of Commons, stating that the Senate *insist* on their amendment marked C. proposed to the engrossed bill to encourage the publication of a historical and scientific work on this State.

The engrossed bill to authorise the Court of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they do not agree to the first amendment made by the Senate in the bill to direct the manner in which licenses shall be hereafter issued to retailers of spiritous liquors; and that they agree to the other amendment made by the Senate to the said bill. Thereupon, on motion of Mr. Seawell, the Senate *receded* from their said first amendment.

The engrossed bill directing the manner in which the costs of suits decided in the Supreme Court of North Carolina shall hereafter be *collected and paid over*, was read the second and third-times and passed, and ordered to be enrolled.

Mr. Seawell moved that a message be sent to the House of Commons, proposing that the two Houses do adjourn this evening *sine die*; which was not agreed to.

Mr. Sneed presented a resolution concerning a Lunatic Assylum.

Thereupon the Senate adjourned to 3 o'clock, this afternoon.

TUESDAY EVENING, 3 O'CLOCK.

The Senate met.

The resolution concerning a Lunatic Assylum, was read and agreed to, and sent to the House of Commons for their concurrence.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to give publicity to mortgages and deeds of trust and marriage licenses; and that they have indefinitely postponed the bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give security for the discharge of their public duties; and the bill to amend an act to prevent conspiracies and insurrection among slaves, passed in 1802.

Received also a message, stating that the House of Commons further *insist* on their disagreement to the amendment marked C. proposed by the

Senate to the engrossed bill to encourage the publication of a historical and scientific work on this State. Thereupon, on motion of Mr. Speight, of Greene, the Senate *receded* from their said amendment.

Received also a message, stating that they *adhere* to their disagreement to the amendments marked C. as proposed by the Senate in the engrossed bill to incorporate the North Carolina Gold Mine Company. Thereupon, on motion, the Senate *adhered* to their said amendment, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, proposing that the joint rule prohibiting the introduction of private bills be suspended, so far as to admit the introduction of the following bill, to wit: a bill supplemental to an act, passed at this session of the General Assembly, entitled "an act to provide for the better government of the town of Wadesborough, in Anson county;" which proposition was agreed to by the Senate.

Received from the House of Commons, a message, stating that they *do not concur* in the several amendments made by the Senate in the engrossed bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes. Thereupon it was resolved by the Senate that they *do adhere* to their said amendments.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: a bill to arrange in numerical order the regiments of infantry of the militia of this state; and a bill to amend the militia laws of this State, so far as regards the returns of Brigadier Generals and Colonels; in which they ask the concurrence of the Senate. Thereupon it was resolved by the Senate that the said bills shall not pass.

Received from the House of Commons, a message, stating that they have passed the bill giving the assent of the General Assembly of the state of North Carolina to an act of the General Assembly of the commonwealth of Virginia, passed on the 29th of January, 1818; a bill regulating the duty of grand jurors in regard to punishments for assault and battery; also a resolution instructing the Governor's Private Secretary to sell Ree's Cyclopaedia, purchased by the late Governor Holmes; and a resolution in favor of Bell & Lawrence; in which they ask the concurrence of the Senate. Thereupon the resolution in favor of Bell & Lawrence was read and agreed to, and the bill first above mentioned, and the resolution instructing the Governor's Private Secretary to sell Ree's Cyclopaedia, were read the first, second and third times and passed, and ordered to be enrolled; and the bill regulating the duty of grand jurors in regard to punishments for assault and battery, was read the first time and passed; and the same being read the second time, was, on motion, indefinitely postponed.

On motion of Mr. Sneed, the Senate proceeded to the consideration of the bill concerning the entry of land in this State, and the said bill was read the first time and passed; and the same being read the second time, Mr. Boykin moved to amend the same by adding the words "*except where the quantity of land does not exceed fifty acres of vacant land in one body, and that situated between lines of tracts heretofore granted;*" and Mr. Speight, of Greene, moved that the bill, together with the amendment under consideration, be indefinitely postponed; which was not agreed to.

The question then recurred on the motion of Mr. Boykin; which amendment was agreed to. Mr. Seawell moved to amend the bill by adding the following, to wit: "*Provided nothing in this act shall extend to juniper swamp land;*" which was not agreed to. Mr. Gilchrist then moved to further amend the said bill by adding a third section, in the following words, to wit: "And be it further enacted, that this act shall continue in force until the 1st of February, 1827." Which was agreed to. Thereupon the said bill passed the second and third times, and was ordered to be engrossed.

Received from the House of Commons, a message, stating that they have indefinitely postponed the engrossed bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson; and that they have passed the engrossed bill supplemental to an act, passed at this session of the General Assembly, entitled "an act for the better regulation of Wadesborough, in Anson county;" also a resolution in favor of John Barnett, Sheriff of Person county; and a resolution making an appropriation for the Wilkesborough road, from Wilkesborough to the widow Bogle's; in which they ask the concurrence of the Senate. Thereupon the said bill and resolutions were severally read the first, second and third times and passed, and ordered to be enrolled.

The Senate adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, JANUARY 4, 1826.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill concerning the entry of land in this State; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they *recede* from their disagreement to the several amendments made by the Senate in the engrossed bill to compel certain officers therein named to make out their fee bills in dollars and cents; and for other purposes. Thereupon the said bill was ordered to be enrolled.

Received also, a message, stating that they have rejected the engrossed bill to secure to Sarah Wooters, of Guilford county, such property as she may hereafter acquire; and that they *adhere* to their disagreement to the amendments made by the Senate in the engrossed bill to incorporate the North-Carolina Gold Mine Company; also that they have passed the engrossed bill to create a fund for the establishment of common schools, with an amendment, to strike out the last section of the bill; in which they ask the concurrence of the Senate. Which amendment was agreed to, and the bill was ordered to be enrolled.

Received from that House, a message, stating that they have passed the engrossed bill to alter the dividing line between the counties of Stokes and Surry; also a resolution in favor of Joseph Whetson; and a resolution in favor of James Forsyth; in which they ask the concurrence of the Senate. Thereupon the said bill and last mentioned resolution were read the first, second and third times and passed, and ordered to be enrolled, and the resolution first mentioned was read and concurred in.

The resolution of the Senate concerning a Lunatic Assylum was concurred in by the House of Commons, and ordered to be engrossed.

Received from the House of Commons, a report of the joint committee of Finance, stating that they have examined the accounts and vouchers of the Comptroller for the last fiscal year; that they found the vouchers to correspond with the accounts as reported to this General Assembly, and accordingly punched and cancelled them; which report was concurred in by the Senate.

Received from the House of Commons, a message, stating that they have acted on all the business before them, and proposing that the two Houses do now adjourn *sine die*; which proposition was agreed to by the Senate, and the House of Commons was informed thereof by message.

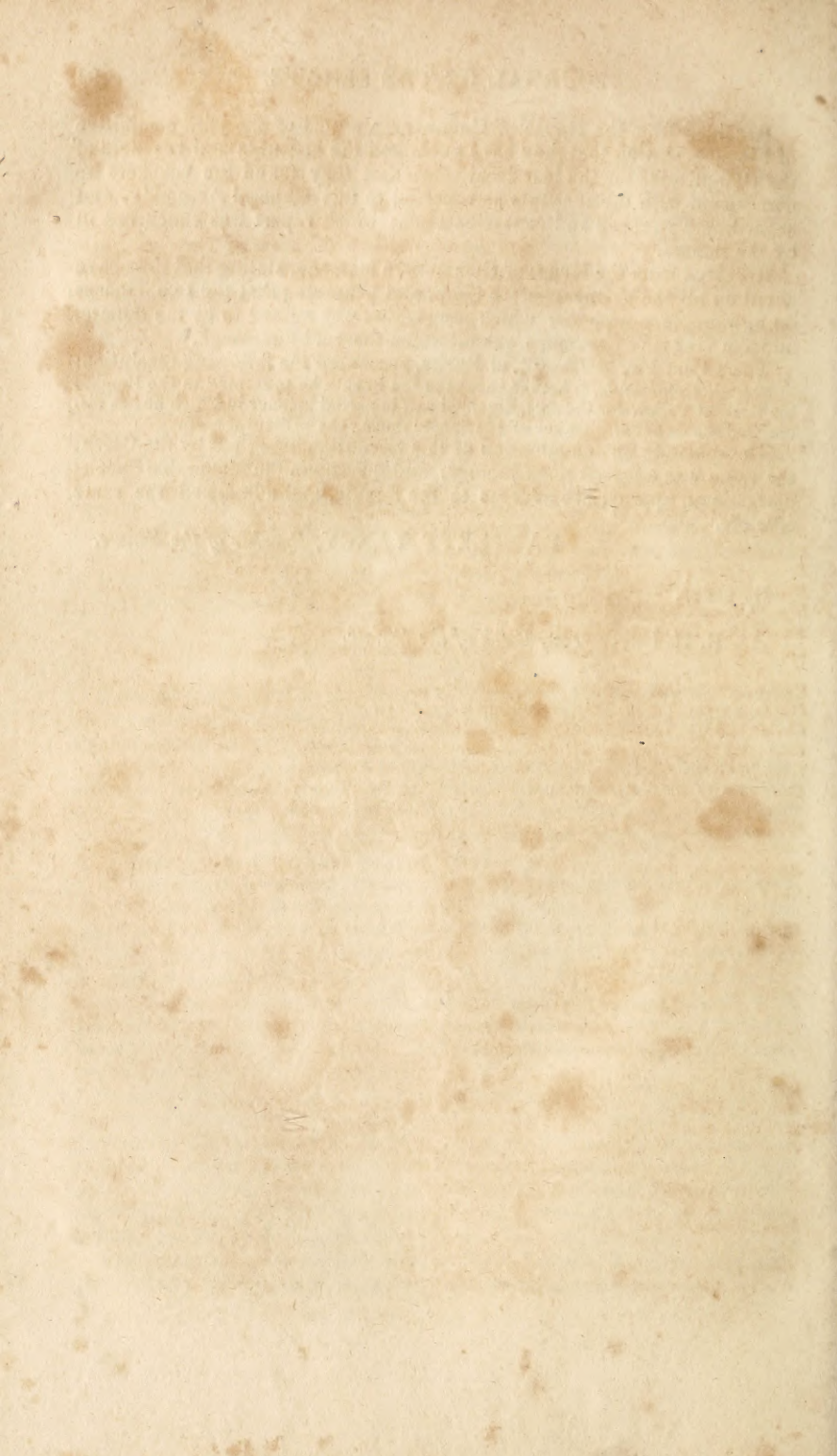
Thereupon Mr. M'Dowell, of Burke, presented the following resolution:
Resolved unanimously, That the thanks of the Senate be presented to the Honorable Bartlett Yancy, for the able, dignified and impartial manner in which he has discharged the duties of Speaker of the Senate during the present session.

The question on the adoption of this resolution being put by the Clerk, the same was adopted *unanimously*; and thereupon the Honorable Speaker made an appropriate address to the Senate, and adjourned the same *sine die*.

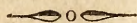
BARTLETT YANCY, *Speaker of the Senate*,

By order.

B. H. COVINGTON, *Clerk of the Senate*.



JOURNAL OF THE HOUSE OF COMMONS.



At a General Assembly begun and held in the city of Raleigh, on Monday, November 21st, in the year 1825, and fiftieth of the INDEPENDENCE OF THE UNITED STATES: It being the first session of this Assembly.

On which day, being the day appointed by law for the meeting of the present Assembly, the returning officers of the several counties certified that the following persons were duly elected to represent said counties and borough towns in the House of Commons, to wit: For

<i>Anson</i> , John Smith, Clement Marshall.	<i>Martin</i> , David Latham, Jesse Cooper.
<i>Ashe</i> , William Herbert, Reuben Hartley.	<i>Mecklenburg</i> , Thomas G. Polk. <i>Matthew</i> <i>Smith</i>
<i>Brunswick</i> , John J. Gause, Alfred Moore.	<i>Montgomery</i> , John Durgan, Thomas C. Dunn.
<i>Buncombe</i> , David L. Swain, James Weaver.	<i>Moore</i> , John Murchison, Wm. Crawford.
<i>Beaufort</i> , Thomas Ellison, Wm. A. Blount.	<i>Nash</i> , Nicholas J. Drake, Major A. Wilcox.
<i>Bertie</i> , William H. Rascoe.	<i>New-Hanover</i> , Joseph Lamb.
<i>Bladen</i> , Isaac Wright, John J. M'Millan.	<i>Northampton</i> , Thomas Bynum, Roderick B. Gary.
<i>Burke</i> , Peter Ballew, Edwin Poor.	<i>Onslow</i> , Edward Williams, Frederick Foy.
<i>Cabarrus</i> , Robert Pickins, Christopher Melchor.	<i>Orange</i> , William M'Cauley, John Boon.
<i>Camden</i> , Wilson B. Webster, Thos. Tillett.	<i>Pasquotank</i> , William J. Hardy.
<i>Carteret</i> , Otway Burns, Wm. H. Borden.	<i>Perquimans</i> , Henry Skinner, Elisha Burke.
<i>Cuswell</i> , Jno E. Lewis, Charles D. Donoho.	<i>Person</i> , Thos. Webb, J. G. A. Williamson.
<i>Chatham</i> , Wm. Underwood, J. J. Brooks.	<i>Pitt</i> , John C. Gorham, Shadrack P. Allen.
<i>Chowan</i> , Wm. Walton, Joshua Mewborn.	<i>Randolph</i> , Geo. Hoover, Abraham Brower.
<i>Columbus</i> , Luke R. Simmons, Caleb Stephens.	<i>Richmond</i> , Henry Dockery, Archibald M'Nair.
<i>Craven</i> , Samuel Whitehurst, Andrew H. Richardson.	<i>Robeson</i> , Shadrack Howell, Warren Alford.
<i>Cumberland</i> , Alexander Elliott.	<i>Rockingham</i> , Robt. Martin, Jas. Barnett.
<i>Currituck</i> , Willoughby D. Barnard, Enoch Ball.	<i>Rowan</i> , George Andrews, John Clement.
<i>Davidson</i> , John M. Smith, Joseph Spurgeon.	<i>Rutherford</i> , John Carson, Joseph Greene.
<i>Duplin</i> , Benjamin Best, Stephen Miller.	<i>Sampson</i> , Daniel Joyner, D. Underwood.
<i>Edgecombe</i> , Henry Bryan, Moses Baker.	<i>Stokes</i> , A. H. Shepperd, Wm. Carter.
<i>Franklin</i> , Wm. T. Williams, James Houze.	<i>Surry</i> , Davis Durrett, Golihu Moore.
<i>Gates</i> , John Walton, Wm. W. Stedman.	<i>Tyrrell</i> , Daniel L. Bateman, Frederick Davenport.
<i>Granville</i> , John Glasgow, Nicholas Jones.	<i>Wake</i> , Samuel Whitaker, N. G. Rand.
<i>Greene</i> , Charles Edwards, Richard H. F. Harper.	<i>Warren</i> , Gideon Alston, Ransom Walker.
<i>Gulford</i> , F. L. Simpson, Wm. Unthank.	<i>Washington</i> , Peter O. Picot, William A. Bozman.
<i>Halifax</i> , George E. Spruill, R. B. Daniel.	<i>Wayne</i> , Philip B. Raiford, John Wasden.
<i>Haywood</i> , Jas. R. Love, Ninian Edmonston.	<i>Wilkes</i> , Thos. W. Wilson, Nath'l Gordon.
<i>Hertford</i> , John Vann, Isaac Carter.	<i>For the town of Halifax</i> .
<i>Hyde</i> , Littlejohn Pugh, John J. Bonner.	<i>Edenton</i> , James Iredell.
<i>Johnston</i> , Kinchen Q. Adams, Hillory Wilder.	<i>Newbern</i> , John Stanly.
<i>Jones</i> , Lemuel H. Simmons.	<i>Wilmington</i> , Cowan, <i>Robert</i> <i>H</i>
<i>Iredell</i> , James L. Hill, Alexander Torrence.	<i>Fayetteville</i> , J. Matthews.
<i>Lenoir</i> , Jesse Lassiter, James Cox.	<i>Hillsborough</i> , John Scott.
<i>Lincoln</i> , Oliver W. Holland, Daniel Conrad.	<i>Salisbury</i> .

In pursuance thereto, the following members appeared, were qualified, and took their seats—the oaths of qualification being administered by Mr. Justice Busbee, of Wake county, to wit: Kinchen Q. Adams, Warren Alford, Shadrack P. Allen, Gideon Alston, George Andrews, Moses Baker, Enoch Ball, Peter Ballew, Willoughby D. Barnard, James Barnett, Daniel L. Bateman, Benjamin Best, William A. Blount, John Boon, John Bonner, William H. Borden, William A. Bozman, Joseph J. Brooks, Abraham Brower, Henry Bryan, Elisha Burke, Otway Burns, Thomas Bynum, John Carson, Isaac Carter, William Carter, John Clement, Daniel Conrad, Jesse Cooper, James Cox, William Crawford, Robert B. Daniel, Frederick Davenport, Henry Dockery, Charles D. Donoho, Nicholas J. Drake, Thomas C. Dunn, John Durgan, Davis Durrett, Ninian Edmonston, Charles Edwards, Alexander Elliot, Thomas Ellison, Frederick Foy, Roderick B. Gary, John J. Gause, John Glasgow, John C. Gorham, Nathaniel Gordon, Joseph Greene, William J. Hardy, Richard H. Harper, Reuben Hartley, William Herbert, James Hill, Oliver W. Holland, George Hoover, Shadrack Howell, James Houze, James Iredell, Daniel Joiner, Nicholas Jones, Joseph H. Lamb, David Latham, Jesse Lassiter, John E. Lewis, James R. Love, Robert Martin, Clement Marshall, John Matthews, Christopher Melchor, Joshua Mewborn, Stephen Miller, Alfred Moore, Golihu Moore, John Murchison, William M'Cauley, John J. M'Millan, Archibald M'Nair, Robert Pickens, Peter O. Picot, Thomas G. Polk, Edwin Poor, Littlejohn Pugh, Philip B. Raiford, Nathaniel G. Rand, William H. Rascoe, Andrew H. Richardson, John Scott, Augustin H. Shepperd, Lemuel H. Simmons, Luke R. Simmons, Francis L. Simpson, John Stanly, Henry Skinner, John Smith, of Anson, John Smith, of Davidson, George E. Spruill, Joseph Spurgen, Caleb Stephens, William W. Stedman, David L. Swain, Thomas Tillett, Alexander Torrence, William Underwood, David Underwood, William Unthank, John Vann, John Walton, William Walton, Ransom Walker, John Wasden, James Weaver, Thomas Webb, Wilson B. Webster, Samuel Whitaker, Samuel Whitehurst, Hillory Wilder, Major A. Wilcox, Edward Williams, William T. Williams, John G. A. Williamson, Thomas Wilson, Isaac Wright.

A quorum, consisting of a majority of the whole of the members, being present, Mr. Carson moved that Mr. Shepperd, one of the members of Stokes county, be appointed Speaker; Mr. Miller moved to add to the nomination the name of John Stanly, the member representing the town of Newbern; and Mr. Alston moved to add to the nomination the name of John Scott, the member representing the town of Hillsborough.

An election by ballot thereupon took place; and, on counting the ballots, it appeared that neither of the candidates had a majority of the whole number. Thereupon a second balloting took place immediately; and, on examining the ballots, a majority of the whole number was found to be in favor of John Stanly. Whereupon he was conducted to the Chair by Mr. Miller, from whence he made his acknowledgments to the House.

On motion of Mr. Polk, Pleasant Henderson was appointed Clerk, and Charles Manly Clerk Assistant.

On motion of Mr. Edwards, John Lumsden and Richard Roberts were appointed Doorkeepers.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 22, 1825.

Robert H. Cowan, the member representing the town of Wilmington, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, by their Clerk Assistant, informing of the organization of that House, by the appointment of Bartlett Yancy, Speaker; Benjamin H. Covington, Clerk; James W. Clark, Clerk Assistant; Thomas B. Wheeler and Robert Ray, Doorkeepers; and of their readiness to enter on the consideration of public business.

On motion of Mr. Iredell, ordered that a message be sent to the Senate, informing of the readiness of this House to join in the despatch of public business, having appointed John Stanly, Speaker; Pleasant Henderson, Clerk; and Charles Manly, Clerk Assistant; and proposing to raise a joint select committee to wait on his Excellency the Governor, and to acquaint him of the readiness of the two Houses to receive such communications as he may think proper to make; and informing that Mr. Iredell, Mr. Scott and Mr. Daniel form the committee on the part of this House.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks, and informing that John Bragg, Samuel F. Patterson, Charles G. Rose, Joseph B. Collier, James Cook, Thomas G. Stone, Joseph H. Pool, William J. Cowan, Matthew Baird, Oscar G. Parsley, Jesse Turner, Lauriston B. Harden, Joshua E. Lumsden, and Calvin Covington are in nomination for the appointments.

A message from the Senate, by their Clerk Assistant, informing that Messrs. Sneed and Jones of Wilkes form a committee on their part to join the committee, appointed by this House, to wait on his Excellency the Governor, and to acquaint him of the readiness of the two Houses to receive such communications as he may think proper to make.

Mr. Iredell, from the select joint committee appointed to wait on his Excellency the Governor, and to inform him of the readiness of the two Houses to receive such communications as he may think proper to make, reported that the committee had, according to order, waited on the Governor, and that he answered he would, at 12 o'clock, to day, make a communication in writing.

On motion of Mr. Miller,

Resolved, That Messrs. Miller, Moore and Williamson form a committee to prepare and report rules of order for the House during the present session; and that, in the interim, the rules of order of the last session shall be observed.

A message from the Senate, consenting to ballot immediately for three Engrossing Clerks; and informing that the name of William Bond is added to the nomination.

On motion, ordered that a message be sent to the Senate, informing that Mr. Bateman and Mr. Wilson form a committee on the part of this House to conduct the balloting.

Matthew Bain, one of the members of Mecklenburg county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, informing that, in pursuance of a joint rule of the two Houses, they had appointed a committee of Finance, consisting of Messrs. Pickett, Hargrave, Speight, Love, Hussey, Sneed, Hill of Franklin and Bullock.

Mr. Wilson, from the committee appointed to superintend the balloting for three Engrossing Clerks, reported that the committee had performed

the duty assigned to them; and that, on examining the ballots, it appeared that Samuel F. Patterson alone had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks yet to be elected. The message was concurred in, and the Senate informed by message that Mr. Drake and Mr. Donoho wait on the Senate as a committee to conduct the balloting on the part of this House.

A message from the Senate, informing that Mr. Baker and Mr. Hawkins wait on this House as a committee, on their part, to conduct the balloting for three Engrossing Clerks.

Received from his Excellency the Governor, by his private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—It has pleased Divine Providence that we should again meet together, in the full enjoyment of all our rights and privileges as freemen.—Let us, then, properly appreciate this boon, granted as it has been to so small a portion of the human family; and, with profound gratitude, return thanks to the author of all good, that it is our destiny to be a part of the favored few!

In the retrospect of the past year, the election of a President of the United States stands eminently conspicuous. And, although many of us were disappointed in our individual wishes, by the result; yet, when the number of candidates and the high claims which each had upon the goodwill and support of his fellow-citizens, are taken into consideration, it must be a matter of congratulation to every friend of our institutions, that no personal attachment to any individual was so deeply rooted in the affections of any one portion of our widely spread population, as was that bond of union which has so long and so happily kept us together under every emergency.

The mode of electing a Chief Magistrate of the United States, has been a subject of much deliberation and discussion, not only in the Legislatures of the different States, but also in Congress. To notice the various changes proposed, and their consecutive arguments, would far exceed the limits intended for this communication. I will therefore simply call your attention to the subject, and submit to your better judgment the *propriety* of taking the matter under your consideration.

In compliance with a resolution adopted by the last General Assembly, I endeavored to give to the Benefactor and Friend of our common Country, General Lafayette, a reception worthy the dignity of our State. For the expenditure resulting from that reception, I refer you to a report of the Adjutant General: to whose assistance and that of the deputation on the part of the State, consisting of Chief Justice Taylor, Colonel William Polk, General William Williams, of Warren, and J. G. A. Williamson, Esq. I am indebted for first receiving and subsequently conducting that illustrious individual through the State. A part of the expenditure was for articles of furniture, which will continue to be useful in the Government House, and which were *indispensable*, as will appear by reference to an inventory made at the time of taking possession.

The developement of our internal resources, the improvement of our water courses, the structure of roads, &c. presents, collectively, a subject of the deepest interest. Whilst our sister States are rising in wealth, increasing in population and extending their influence by a sincere and zealous attention to these objects, North-Carolina has either remained content with the barrenness of Nature, or made such feeble and partial efforts, as only served to throw *real improvement* at a yet greater distance. If we have any honest doubts of the vast advantages resulting from a *well directed and liberally encouraged* plan of internal improvements, let us, for a moment, turn our attention to the State of New-York. Her widely spread tract of western lands, which, but a very few years ago, were scarcely populated and of little value, are now alive and active, with an increasing population; increasing daily in value, and will, at no distant period, be one of the finest sections of the State. She has not only thrown open an advantageous mart to her own citizens, even from the remotest sections of the State, but she has likewise brought within her influence and laid under contribution, the citizens of the adjoining States. And all this, so far from impoverishing, has unquestionably become one of her most certain and extensive sources of revenue, and consequently promises to yield a most liberal interest upon the money expended in the construction of the works.

Upon viewing such a state of things in one of our sister states, does not the question come full upon us—What have *we* done? Surely, if any state in the Union requires internal improvement, that state is our own! The important inquiry then is, has the *time arrived* for prosecuting such undertakings? I, for one, believe it has. It is not my desire to see my fellow-citizens burdened with *unreasonable* taxes for this or any other purpose. If no other reason could be found, that I must suffer in common with them would be sufficient. But we have, at the present time, a considerable surplus revenue appropriated to this end, which, if it was solely and steadily applied to one enterprise, instead of being divided among a great many, and thus rendered inadequate to the production of any beneficial effect, would soon accomplish it. Thus would be established one point in a series of improvement! And then, if the same surplus capital increased by the profits of what had been done, should continue to be applied to other enterprises. North-Carolina might, at no very distant day, be able effectually to execute all that could be esteemed beneficial. Moreover, we cannot but suppose, that our fellow-citizens would cheerfully submit to additional taxes, did they perceive that any thing *effectual* was doing or would be done. Permit me to call your attention, in a particular manner, to one object of internal improvement. From the large quantity of stagnant water which covers an immense body of what could be rendered the most fertile land in the eastern section of our state, originate, in a great measure, those diseases with which its inhabitants are so often afflicted. Some considerable portion of the bottom of those swamps have been granted to individuals, leaving a large remainder in the possession of the state. Some intelligent, spirited and enterprising individuals have attempted to reclaim their portions of these swamp lands, and others would do so, but that it is impossible, from their having no vent for the water on their own lands. In fact, these swamps cannot be drained but by a general effort of the proprietors, and this can only be made under the di-

rection of the Legislature. It is therefore respectfully submitted, whether a law ought not to be passed for the purpose, first, of ascertaining the portions respectively owned by individuals and by the state in these swamps; and secondly, of compelling claimants to pay their due proportion towards draining the swamps in which their lands may be located, the state paying for that part which is unappropriated. It is believed, that in many cases, the only public work wanted would be a central drain sufficiently large to vent the water, traversing the whole length of the swamp. In some, side-drains, to cut off springs, might be necessary. This being done, it would then be left to each individual to improve his own land according to his industry and enterprise. The lands belonging to the state might be divided into proper lots and sold, and would undoubtedly give existence to a large fund to be appropriated by future Legislatures, either to internal improvement, or other public purpose. The permanent revenue of the state would be greatly increased by the taxation of the lands sold, and the additional taxes which would be laid upon the lands thus increased in value. Indeed it seems apparent, that the strength, the wealth and the health of the state, are deeply and intimately connected with this subject; it is therefore earnestly, but respectfully, recommended to the consideration of your enlightened body.

The last General Assembly having reduced the number of the Board of Internal Improvement, appointed Generals Iredell and Dudley, Colonel Forney and the Governor, ex-officio, members constituting a Board. None of this Board had ever before served in that situation. Reports were in circulation "that much money had been unnecessarily expended, and that the works were improperly conducted." On these points, we considered it our duty to obtain correct information.—The best mode of effecting this object, was, we thought, to examine in person, the proceedings of the different "Navigation Companies," in which the State was interested, and also, the different points where works were progressing. In consequence of this understanding, we travelled, in the month of June last, through the eastern section of the state, and intended to have gone to the "west," in order to complete the survey. In this, however, the Board were disappointed, by circumstances unnecessary to be stated at present. A report, more in detail, will be officially made by the Board of Internal Improvement.

If the subject just alluded to be important, how much more so is that of Public Education! Whilst the former regards the face of the country, and the pecuniary interests of its inhabitants; the latter is wholly solicitous about the distinguishing feature of our nature, the moral habits of man, and his "felicity, both temporal and eternal." The latter derives additional claims to consideration, from the very difficulties which surround, and the time requisite to digest and mature any efficient system connected with it. But above all, it has, in comparison, one recommendation, which never fails to be felt and understood by the mass of mankind—it requires a less fund to conduct it.—A system of Internal Improvements, only requires that it should be well planned, liberally encouraged, and ably conducted, and the end is attained—success must ensue. But though the other asks nothing more, still the difference of the materials to be wrought upon, defies any thing like the same conclusion. Yet surely difficulties, though they rise at every step, shall not prevent us from ma-

king some effort, from undertaking some system. If the preservation of our political principles in their original purity, be of any value—if the moral character of the people, be matter of moment—if “honest merit should have fair play” in our elections, then let us not delay, but immediately begin the important work! Whilst Public Education is unestablished, and its kindly influences are not generally felt, it is more than useless to address the great body of the people on the subject of principles. They must fully *understand*, before they can *duly appreciate* their political blessings. If nothing more can be done, at least enable them to understand and judge for themselves, when they are instructed. It but seldom occurs that the understanding is improved and the mind enlarged, without a consequent improvement of the moral feeling. But while the people continue uninformed, your annual Assemblies may enact—your Courts of Law may arraign and punish—but your enactments will be void—your punishments be but periodical exhibitions, serving, for a moment, to frighten or amuse, yet destitute of the wholesome, the desirable influence of just examples. In such a state of things, it cannot be expected, that moral worth, that intellectual attainments, and pure principles should have that weight and influence that they should command. If so, are not the people unequivocally left the mere slaves of passion and prejudice? Have they, in strictness, that free agency, which is the pride of the rational, as it is justly the boast of the truly freeman? True, indeed, it is, that the free agency of the mere animal is preserved, but that of the man is wholly lost. Surely, then, it is time that such a condition of things should be deprived of its legal sanction. The provision for Public Education is a noble feature, which stands in fine relief, in most of our State Constitutions. In most of the States too, legislative enactments have, in consequence, been made, scattering throughout their limits the invaluable treasures of Education. Yet North Carolina has, in a great degree, been deprived of the advantages which might have followed from her own constitutional provision. True, it is, we have a University, justly the pride of our State and the sources of extensive usefulness. And it is also true, that, at the last Session of the General Assembly, a resolution was adopted appointing some of our most distinguished citizens to digest and report to the present session a plan of “Primary Schools.” It seems therefore unnecessary further to draw your attention to this subject, as the report will no doubt bear the stamp of the well known and distinguished abilities which have been enlisted to prepare it.

A resolution was adopted by the General Assembly of the State of Georgia on the 22d day of Dec. 1823, proposing an amendment to the Constitution of the U. States.—This was presented to our last General Assembly by my predecessor. Since that period, Resolutions from New Jersey and Virginia, disapproving, and from Missouri, approving this amendment, have been received, and are herewith submitted. In addition, you will herewith receive, Resolutions from the State of Ohio, proposing the “gradual emancipation of Slaves and the colonization of free people of colour.” These have been disapproved by the Legislatures of Mississippi and Missouri, and highly approved by those of Indiana, Delaware, Connecticut and Illinois, as will appear from their accompanying resolutions. All of which are respectfully submitted with one passing remark: That

although we cannot but acknowledge, with feelings of lively gratitude, the overweening interest which the non-slaveholding states have taken in our internal police, yet we indulge the hope, that they will shortly learn and practice what has familiarly been termed the *eleventh commandment*, "Let every one attend to his own concerns." And that they will concur with us in thinking, that if our neighbour have a natural deformity, it is, at least, a breach of good manners, continually to remind him of his misfortune. Your wisdom will however dictate the course proper to be pursued upon this delicate question.

Under a law passed at the last session, Gen. Philip Brittain and David L. Swain, Esq. were appointed Commissioners to carry into effect a contract previously made by Benjamin Robinson, Esq. and Col. William Roberts. The satisfactory manner in which they have discharged their duty, will evidently appear by reference to their correspondence and a report made by them; both of which are herewith communicated. I herewith transmit you a communication from the War Department, requesting a cession of territory at Oak Island and Old Topsail Inlet, and jurisdiction over the same to be made to the United States, and that Commissioners may be appointed to value the property and cause a conveyance to be made—as will more fully appear by reference to the communication itself and its accompanying plat. You will herewith receive a communication from William Gaston, Esq. in which he "declines altogether the task of revising and consolidating the laws concerning the duties of Executors and Administrators," for reasons which will be found in his letter herewith submitted.

Early in June last, George E. Badger, Esq. presented to the Executive his resignation as one of the Judges of the Superior Courts of Law and Equity. In consequence thereof, the Council of State were convened, who unanimously advised that a temporary commission should be granted to Thomas Ruffin, Esq.: with you it rests to make the permanent appointment:

From H. Fulton, Esq. his resignation as Civil Engineer of the State, for reasons contained in his letter herewith submitted. The resignations of Justices of the Peace and Militia officers, will be found in the file marked V.

I have no doubt omitted many things that will merit and occupy your attention during your present session: Knowing your ability to supply any deficiency on my part, I will no longer trespass on your time and patience.

I am, Gentlemen, with the highest respect and consideration, your humble servant,

H. G. BURTON.

On motion of Mr. Iredell, ordered that the foregoing message be sent to the Senate, with a proposition that it be printed for the information of the members.

Mr. Picot moved that the letter of resignation of Hamilton Fulton, Civil Engineer, accompanying the Governor's Message, be printed, four copies for each member. The question thereon passed in the negative.

Mr. Martin moved that the House do reconsider the vote of rejection of the motion of Mr. Picot, and that the said letter of resignation be printed, one copy for each member. The question thereon passed in the negative.

On motion of Mr. Swain,

Resolved, by the General Assembly of the State of North-Carolina, That the deeds of conveyance and release from certain individuals of the Cherokee nation, taken by the commissioners on behalf of the State, appointed under an act of the last General Assembly, entitled "an act to carry into effect a contract entered into by Benjamin Robinson and William Robards, commissioners on behalf of the State, with certain Cherokee Indians in the said contract named," be transferred from the Executive Office to the Office of Secretary of State.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 23, 1825.

Mr. Drake, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had, according to order, performed the duty assigned to them; and that, on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks; and informing that the name of William Bonner is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Cowan and Mr. Lewis form the committee to conduct the balloting on the part of this House; and that the names of Joshua E. Lumsden, James Cook, Jesse Turner and Oscar G. Parsley are withdrawn from the nomination.

A message from the Senate, informing that Messrs. M'Dowell and Marsh form the committee on their part to conduct the balloting for the two Engrossing Clerks.

Mr. Lewis, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the persons in nomination had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for two Engrossing Clerks; and informing that the name of Mr. Covington is withdrawn from the nomination. The message was concurred in, and the Senate informed by message that Mr. Marshall and Mr. Wilcox attend the Senate as a committee to conduct the balloting on the part of this House; and that the name of Mr. Collier is withdrawn from the nomination.

A message from the Senate, informing that Mr. Melvin and Mr. Bullock form the committee on their part to conduct the balloting.

Mr. Miller, from the committee appointed to prepare and report rules of order for the government of the House, made the following report, which, being read and concurred in, was ordered to be printed, one copy for each member, to wit:

1. The Speaker shall take the Chair every day, at the hour to which the House shall have adjourned, and shall immediately call the Members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, except on an appeal from his decision; in which case the Speaker may deliver his opinion in preference to any other Member, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member. He shall rise to put a question, but shall state it

sitting. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye:" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, he shall name two Members, one from each side, who shall tell the members in the affirmative, and report their number; after which they shall tell the Members in the negative, and report their number; upon which the Speaker shall rise and state the decision to the House.

2. In case of any disturbance or disorderly conduct in the Gallery or Lobby, the Speaker or Chairman of the Committee of the whole shall have power to order the same to be cleared.

3. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided; or unless his vote if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost. And on all questions upon which the members are called upon to vote by ballot, they shall keep their seats and be waited upon by the Tellers.

4. When any Member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

5. If any Member, in speaking, or otherwise, shall transgress the rules of the House, the Speaker shall, or any one Member may, call him to order; in which case the Member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the Member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When two or more Members rise at the same time, the Speaker shall name the Member to speak.

7. No member shall speak more than twice on the same question without leave of the House.

8. Whilst the Speaker is putting any question, or addressing the House, no person shall speak, or walk out, or across the House; nor, when a Member is speaking, entertain private discourse, or pass between him and the Chair.

9. No member shall vote on any question, unless within the bar of the House when the same was put.

10. Every Member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

11. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and no member shall be admitted to enter his yea or nay unless he be within the bar of the House when called; and in taking the yeas and nays, or, on a call of the House, the names of the Members shall be taken alphabetically.

12. When a motion is made and seconded, it shall be stated by the

Speaker; or, if written, it shall be handed to the Chair, and read by the Clerk before debated.

13. Every motion shall be reduced to writing, if the Speaker or any two Members desire it.

14. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

15. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, postpone indefinitely, to postpone to a day certain, to commit or amend: which several motions shall have precedence in the order they stand arranged.

16. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

17. Any Member may call for a division of the question, when the same will admit of it, which shall be determined by the Speaker.

18. A motion for postponement, or commitment, until it is decided, shall preclude all amendments of the main question.

19. Every bill shall be introduced by a motion for leave or by an order of the House.

20. Every bill shall receive three several readings in the House previous to its passage; but no public bill shall be twice read on the same day, without special order of the House.

21. No Member shall, on motion, be at liberty to withdraw a public bill for amendment; but on suggestion made, that a public bill ought to be amended, it may, on motion, be committed; and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House.

22. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any Member in the majority to move the reconsideration thereof, on the same or succeeding day.

23. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any Member, it shall be determined by a vote of the House.

24. The unfinished business, in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.

25. The order of the day shall not be postponed to take up any other business, without leave of the House.

26. No Member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.

27. Any twenty Members (including the Speaker) shall be authorised to compel the attendance of absent members.

28. No Member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.

29. Any Member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

30. In the nomination of committees, no Member shall nominate more than one person to be of a Committee.

31. Select Committees shall consist of five members; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. The first person named shall be chairman of the committee, and it shall be his duty to cause the members thereof to be convened when necessary.

32. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

33. The rules of proceeding in the House shall be observed in the Committee of the Whole, so far as they are applicable, except in limiting the times of speaking.

34. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a Member, who shall discharge the duty thereof during his retirement.

35. The Clerk of the House shall be deemed to continue in office until another is appointed.

36. No standing order shall be rescinded without one day's notice given of the motion thereof.

37. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

38. Six standing Committees shall be appointed at the commencement of the session, to wit: a committee of Claims, a committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, a committee of Internal Improvement, and a committee of Privileges and Elections.

JOINT RULES FOR BOTH HOUSES.

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a bill or resolution, agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall consist of an equal number of Members of each House, and shall at a convenient time and place, to be agreed on, meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the Clerk Assistant of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent, by the Door Keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled on suitable paper by the Engrossing Clerks, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a joint committee of two from the Senate and four from the House of Commons, appointed as a committee for that purpose; whose duty it shall be carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions, and votes of the two Houses, shall be examined, engrossed, and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The committee of Finance shall be joint, consisting of eight Members of each House, one to be selected from each of the former judicial districts. The Library Committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speakers thereof, respectively.

13. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each Member of the General Assembly, one copy to the Clerk of each House, for the use thereof, and ten copies shall be deposited in the Public Library.

14. That the foregoing rules shall be permanent joint rules of the Legislature of North-Carolina, until altered or amended.

On motion,

Resolved, That Messrs. Holland, Martin, Webb, Spruill, Ball, Cox, Miller, Smith of Anson, Murchison, Poor, Hoover, Whitaker, Alston, Vann, Ellison and Foy form a committee of Claims.

Resolved, That Messrs. Carson, Polk, Williamson, Daniel, Stedman, Pugh, Wright, Ashe, Ballew, Pickins, Rand, W. T. Williams, Skinner, Whitehurst, Stephens and Marshall form the committee of Propositions and Grievances.

Resolved, That Messrs. Herbert, Unthank, Lewis, Houze, Bozman, Allen, Best, Alford, Gordon, Hill, Brooks, Drake, John Walton, Edwards, M'Millan, and Dockery form the committee on Education.

Resolved, That Messrs. Greene, Smith of Davidson, Scott, Latham, Hardy, L. H. Simmons, E. Williams, M'Nair, Weaver, Durrett, N. Jones, Bynum, Wm. Walton, Gorham, Joiner and Elliott form the committee on Agriculture.

Resolved, That Messrs. Wilson, Barnett, Donoho, Gary, Picot, Burns, W. W. Jones, Matthews, Swain, Melchor, M'Cauley, Bryan, Bateman, Blount, A. Moore, and Alford form the committee on Internal Improvements.

Resolved, That Messrs. Edmonston, Brower, Boon, Baker, Barnard, Borden, D. Underwood, Howell, Conrad, Durgan, Glasgow, Cooper, Tillett, Richardson, L. R. Simmons, and Crawford form the committee of Privileges and Elections.

Resolved, That Messrs. Carson, Shepperd, Williamson, Gary, Iredell, Blount, Gause and Elliott form the committee of Finance.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 24, 1825.

Mr. Marshall, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed that duty, and it appeared on examining the ballots, that Thomas G. Stone only had a majority of the whole number, who was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Picot, ordered that a message be sent to the Senate, proposing to ballot immediately for one Engrossing Clerk, and informing that the name of Charles G. Rose is withdrawn from the nomination.

On motion of Mr. Picot,

Resolved, That so much of the Governor's message as relates to the cession of certain lands, and jurisdiction over the same, to the United States, for the purpose of erecting works of fortification thereon, be referred to a select committee, consisting of Messrs. Picot, Iredell, Swain, Borden and Whitehurst.

A message from the Senate, consenting to ballot for one Engrossing Clerk, and informing that Mr. Vanhook and Mr. Baker form the committee of superintendence on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Picot and Mr. Lassiter form the committee to superintend the balloting for one Engrossing Clerk on the part of this House.

Thomas Bell, one of the members of Pasquotank county, appeared, was qualified, and took his seat.

On motion of Mr. Moore, of Brunswick,

Resolved, That all resignations presented to, and read in this House, shall be considered as accepted without a question from the Chair, unless a question is called for.

Mr. Picot, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot immediately for one Engrossing Clerk. The message was concurred in, and the Senate informed by message that Mr. Hardy and Mr. M'Millan form a committee on the part of this House to conduct the balloting.

A message from the Senate, informing that Mr. Poindexter and Mr. Melvin attend this House, as a committee on their part, to conduct the balloting for one Engrossing Clerk.

On motion of Mr. Shepperd, ordered that a message be sent to the Senate, proposing to ballot immediately for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Judge Badger, and informing that the name of Thomas Ruffin, of Hillsborough, is in nomination.

A Message from the Senate, consenting to ballot immediately for a Judge of the Superior Courts of Law and Equity, and informing that Mr. Forney and Mr. Gilchrist form the committee on their part to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Shepperd and Mr. Wright form the committee on the part of this House to conduct the balloting for the Judge.

Mr. Hardy, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot again, immediately, for one Engrossing Clerk. The message was concurred in, and a committee appointed to wait on the Senate to superintend the balloting. The name of Mr. Bragg being withdrawn from the nomination.

A message from the Senate, informing that Mr. Wilson and Mr. Montgomery form a committee on their part to conduct the balloting for the Engrossing Clerk yet to be elected.

Mr. Shepperd, from the committee appointed to superintend the balloting for a Judge of the Superior Courts of Law and Equity, reported that the committee had performed the duty assigned to them; and that a majority of the whole number, on examining the ballots, appeared to be in favor of Thomas Ruffin, who was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Williamson,

Resolved, that so much of the Governor's message as relates to internal improvements be referred to the standing committee on that subject.

On motion of Mr. Donoho,

Resolved, that so much of the Governor's message as relates to the colonization of free people of colour, and the gradual emancipation of slaves, be referred to a select committee; and that Messrs. Donoho, Moore of Brunswick, Spruill, Blount and Swain form this committee.

On motion of Mr. Polk,

Resolved, that so much of the Governor's message as relates to the amendments proposed to be made in the Constitution of the United States, touching the mode of electing the President and Vice President of the United States, be referred to a select committee; and to Messrs. Polk, Iredell, Shepperd, Miller and Scott.

On motion of Mr. Cox,

Resolved, that so much of the Governor's message as relates to education, be referred to the standing committee on that subject.

On motion of Mr. Moore, of Brunswick,

Resolved, that the joint Library committee on the part of this House consist of Messrs. Moore of Brunswick, Shepperd and Iredell.

Mr. Cooper presented the following resolution:

Resolved, that the Public Printer publish, for three weeks, successively, the resignation of Hamilton Fulton, as Civil Engineer of this State.

The question thereon passed in the negative.

The resignations of Joseph Williams, Colonel Commandant of the Martin militia; D. M'Guire, Lieutenant Col. of the Fork regiment of militia of Rowan county; John Matthews, Lieutenant Col. of the Gates county militia; and of Archibald Durham and John Wall, of Rutherford county; James Little, of Montgomery county; Jonathan Harris, of Hyde county; Charles Stephens, of Johnston county; John Pollock, of Onslow county; Retas Jones, of Lenoir county; Lewis Daniel, of Person county; James Townes, of Cumberland county; and Joseph J. Gore, of Brunswick county, Justices of the Peace, were presented, read and accepted.

The resignation of Elisha Draughhorn, Justice of the Peace for Sampson county, received from the Senate, was read and accepted.

On motion, ordered that a message be sent to the Senate, informing that

Messrs. Carson, Williamson, Shepperd, Gary, Iredell, Blount, Gause and Elliott form the committee of Finance; and that Messrs. Moore of Brunswick, Shepperd and Iredell, the Library committee in the part of this House.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 25, 1825.

Mr. Poor, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question thereon passed in the affirmative.

William Watts Jones, one of the members of New-Hanover county, appeared, produced his credentials, was qualified, and took his seat.

Mr. Picot presented the petition of Tillman Farrow, of Hyde county, stating that the sitting member, Littlejohn Pugh, from said county, is not constitutionally entitled to his seat; and Mr. Moore, of Brunswick, presented several papers and depositions in relation to the charges alleged in said petition.

On motion, ordered that the said petition and papers be referred to the committee of Privileges and Elections.

A message from the Senate, proposing to ballot immediately for one Engrossing Clerk, and informing that the name of Mr. Beard is withdrawn from the nomination.

The message was concurred in, and the Senate informed by message that Mr. Matthews and Mr. Skinner attend the Senate, as a committee on the part of this House, to superintend the balloting.

Mr. Picot presented sundry papers, touching the contested election of Hyde county. Ordered that the said papers be referred to the committee of Privileges and Elections.

A message from the Senate, informing that Mr. Gibbs and Mr. Boddie form the committee of superintendence of the balloting for one Engrossing Clerk on their part.

Mr. Skinner presented the petition of John Gatling and other citizens of Perquimons county, praying for the passage of a law fixing the number of hands necessary to work on the streets in the town of Hertford, &c. Mr. Carson presented the petition of Charles Lewis, of Rutherford county, stating his grievances resulting from the passage of a public road through his lands, and praying for redress. Ordered that these petitions be referred to the committee of Propositions and Grievances.

On motion of Mr. Martin,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, whose duty it shall be to revise the fees of Clerks, Sheriffs, Coroners, Constables, and County Court Solicitors, and to enquire into the expediency of compelling Clerks of Courts to make out their bills of cost, and to issue all tickets in dollars and cents; and that the committee report by bill or otherwise, and that Mr. Martin, Mr. Scott, Mr. Miller, Mr. Dunn, and Mr. L. H. Simmons form this committee.

Mr. Matthews, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that it appeared, on counting the ballots, neither of the candidates had a majority of the whole number. The question thereon passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for one Engrossing Clerk.

James G. Mhoon, one of the members of Bertie county, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate, consenting to ballot immediately for the Engrossing Clerk yet to be elected, and informing that Mr. Williams and Mr. Leak attend this House, as a committee on their part, to conduct the balloting.

Ordered that a message be sent to the Senate, informing that Mr. William T. Williams and Mr. Elliott form the committee on the part of this House to conduct the balloting for the Engrossing Clerk yet to be elected.

Mr. Swain, in pursuance to a petition, presented a bill to annex part of the counties of Rutherford and Burke to Buncombe county. The bill was read the first time and passed. On motion, ordered the said bill and petition be referred to the committee of Propositions and Grievances.

Mr. Elliott, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

A message from the Senate, proposing to ballot again, immediately, for the Engrossing Clerk yet to be elected. The message was concurred in, and the Senate informed by message that Mr. Edwards and Mr. Durrett attend the Senate as a committee on the part of this House to conduct the balloting.

On motion of Mr. Love,

Resolved, That so much of the Governor's message as relates to the Cherokee Lands, be referred to a select committee; and that Messrs. Love, W. W. Jones, Swain, Poor and Lewis form the committee.

On motion of Mr. Love,

Resolved, That the select committee on Cherokee Lands be instructed to inquire whether any, and, if any, what allowance should be made on the score of interest on the bonds remaining unpaid of those individuals who have purchased from the State lands reserved to Cherokee Indians, and have but recently come to the possession of them.

A message from the Senate, informing that Mr. Harrell and Mr. Smithwick attend this House, as a committee on their part, to conduct the balloting for one Engrossing Clerk.

Mr. Matthews presented the certificate of the County Court of Cumberland, allowing Mrs. Isabella Campbell, widow of the late James Campbell, of the continental line of this State, as a pension, the sum of twenty pounds for the present year. On motion, ordered that the certificate be countersigned by the Speaker, and sent to the Senate.

The resignations of John H. Hill, Col. Commandant of the Militia of Carteret county; James Perkins, of Pitt county; Larkin Shepperd, of Wilkes county; Joseph Keer, of Rowan county; Thomas Fortune, of Iredell county; and Stephen Pleasant, of Person county, Justices of the Peace, were read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 26, 1825.

Mr. Edwards, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, neither of the candidates had a majority of the whole number. The question thereon passed in the affirmative.

James N. Smith, one of the members of Jones county, appeared, produced his credentials, was qualified, and took his seat.

On motion, ordered that a message be sent to the Senate, proposing to ballot for the Engrossing Clerk yet to be elected.

A message from the Senate, agreeing to ballot immediately for one Engrossing Clerk, and informing that Mr. Baker and Mr. Hill of Stokes attend this House, as a committee on their part, to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Bell and Mr. Wm. Carter form the committee on the part of this House to conduct the balloting for an Engrossing Clerk.

A Message from the Senate, informing that they had appointed a Library committee, consisting of Messrs. Forney, Pickett and Gilchrist; and a select joint committee, consisting of Messrs. Davidson of Mecklenburg, Hill of Stokes, Hogan, Montgomery and Speight, whose duty it shall be to revise the fees of Clerks of the counties, Sheriffs, Constables, and County Solicitors, &c.

On motion of Mr. Carson,

Resolved, That a Military committee be appointed; and that Messrs. Carson, W. A. Blount, Bain, Bateman and Raiford form the committee.

Mr. Greene presented the petition of Jeremiah Garner and other citizens of Rutherford county, praying for a revision of certain parts of the militia laws. On motion, ordered that the said petition be referred to the Military committee.

Mr. G. Moore presented the petition of Harden P. Franklin and other citizens of Surry county, praying for the repeal of the act, of the last session of Assembly, authorising Jesse Howard to erect a mill dam across the Arrarat river, in said county. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Bell, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, neither of the candidates had a majority of the whole number. The question on said report passed in the affirmative.

A message from the Senate, proposing to ballot again for an Engrossing Clerk. The message was concurred in, and the Senate informed by message that Mr. M'Cauley and Mr. Miller form the committee, on the part of this House, to conduct the balloting.

A message from the Senate, informing that Mr. Speight and Mr. Legrand form the committee on their part to conduct the balloting for an Engrossing Clerk.

Mr. Wm. Walton presented the petition of Ephraim Elliott and other citizens of Chowan county, whose names are subscribed to the petition, praying that Peggy and Nancy, children of Christopher Burket, a free man of colour of said county, be emancipated. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. M'Cauley, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty; and that, on examining the ballots, it appeared no one in nomination had a majority of the whole number. The question thereon passed in the affirmative.

A message from the Senate, proposing to ballot for the Engrossing Clerk yet to be elected, immediately. The message was concurred in, and a committee appointed to conduct the balloting on the part of this House, consisting of Mr. Glasgow and Mr. Richardson.

A message from the Senate, informing that Mr. Gilchrist and Mr. Hawkins form the committee on their part to conduct the balloting for the third Engrossing Clerk.

Mr. Richardson, from the committee appointed to conduct the balloting for an Engrossing Clerk, reported that the committee had performed that duty; and that, on counting the ballots, it appeared that William J. Cowan had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

Mr. Swain presented the petition of Gideon B. Smith, praying to be divorced from his wife Eleanor. Ordered that the petition be referred to the committee of Propositions and Grievances.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I have the honor herewith to transmit you a communication from the Executive of Virginia.

With the highest respect, your obedient servant,

H. G. BURTON.

Executive Department, 26th December, 1825.

On motion of Mr. Shepperd, ordered that the said message and the accompanying papers and documents be referred to the committee on Internal Improvement.

The resignations of Jacob Guldin, Major of Cavalry attached to the third division of the militia; Samuel Strayhorn, Major of the first regiment of the Orange county militia; Edward Pearsall, Hosea Murray, John Senton and Timothy Teachey, of Duplin county; Joel Hines, of Lenoir county; George Boddie, of Nash county; John S. Shepperd, of Halifax county; Luke Duncan, of Columbus county; and John Coulter, of Lincoln county, Justices of the Peace, were read and accepted.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 28, 1825.

David F. Caldwell, the member of the town of Salisbury, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. Matthews, ordered that Mr. Elliott have leave of absence until Thursday next.

Mr. Williamson presented a resolution directing the Public Treasurer to pay to John Barnett, Sheriff of Person county, twelve dollars and eighty cents, the amount of the tax on certain insolvent polls. Ordered that the said resolution be referred to the committee of Claims.

A message from the Senate, by their Clerk Assistant, informing that the Senate had passed a bill to repeal an act, passed in the year 1811, en-

titled "an act to authorise the County Court of Nash to appoint commissioners to contract with some person or persons for building public houses on the public ground at Nash Court House, and for other purposes," and asking the concurrence of this House. The said bill was read for its first reading, and the question shall the said bill pass? passed in the affirmative.

Mr. Matthews presented the petition of Sherwood Fort, praying, for reasons stated in his petition, to be permitted to retail spiritous liquors free of tax. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Swain presented a bill to keep open French Broad River, in the county of Buncombe. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Swain presented the petition of James Kirkendale and others, on the subject of a turnpike road, from Big Mud Creek, at Samuel Murray's jr. to the South Carolina line. Ordered that the said petition be referred to the members of this House representing the counties in the old Judicial Circuit of Morgan.

On motion of Mr. Martin,

Resolved, That the committee of Finance be instructed to inquire into the expediency of reducing the tax on land Pedlars.

And on motion of Mr. Picot,

Resolved, That the committee of Finance be instructed to inquire into the expediency of reducing the tax on Pedlars on the navigable streams of this State.

Mr. Wilson presented a bill to repeal an act, passed in the year 1820, entitled "an act directing the County Courts to pay fees to certain officers therein named." The said bill was read for its first reading, and the question shall the said bill pass? was determined in the negative.

Mr. Mhoon presented a bill to incorporate the trustees of the Colerain Academy, in the county of Bertie. The said bill was read the first time and passed. On motion, ordered that the said bill be read the second and third times. The question shall the said bill pass its second and third readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I have the honor herewith to transmit you the Report of the Adjutant General of the expenditure accruing from the visit of General Lafayette to this State. It is due to the Adjutant General to state, that his Report gives entire satisfaction to the Executive.

Accompanying the Report, as connected with it, is the inventory of the furniture left in the Government House by the late Governor Holmes, and the vouchers upon which the Report is founded.

All which is respectfully submitted.

With the highest respect, your ob't servant,

H. G. BURTON.

Executive Department, November 28, 1823.

On motion of Mr. Iredell, ordered that the said message, with the several papers accompanying and therein referred to, be sent to the Senate, with a message that they be referred to the committee of Finance.

A bill to repeal an act, passed in the year 1811, entitled "an act to authorise the County Court of Nash to appoint commissioners to contract

with some person or persons for building public houses on the public ground at Nash court-house, and for other purposes," was read the second time, and the question shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be read for its third reading; and the question shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be enrolled.

The bill to keep open the French Broad River, in the county of Buncombe, was read the second time; and the question shall the said bill pass its second reading? was determined in the affirmative. On motion, ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative. On motion, ordered that the said bill be engrossed and sent to the Senate for concurrence.

The resignations of J. Butler, Col. Commandant of the first regiment of Burke county; Joshua Purde, Col. Commandant of the Edgecombe militia; P. Ballew, Lieut. Colonel of the second regiment of the Burke county militia; William Kincaid, Lieut. Colonel of the first regiment of the Burke county militia; Harris Standley, of Wilkes county; James Hamblen, of Buncombe county; and Daniel N. Hall, of Mecklenburg county, Justices of the Peace, were read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 29, 1825.

Mr. Edwards presented a bill to establish Oak Grove Academy, in the county of Greene, and to incorporate the trustees thereof. Mr. Clement presented a bill to declare in force in the county of Rowan the provisions of an act, passed in the year 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person." The said bills were read each for the first reading, and the question shall the said bills pass? was determined in the affirmative.

Mr. Love presented the petition of John Chambers, of Haywood county, praying to be divorced from his wife Riney. On motion, ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Sherwood Fort, of the county of Cumberland, reported that the committee, agreeably to order, had considered the said petition, and deem it inexpedient to grant the prayer thereof, and recommend the passage of a resolution, accompanying the report, recommending its rejection. The question to concur with the report, passed in the affirmative.

Mr. W. W. Jones presented a bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned,'" passed in the year 1792. The said bill was read for its first reading, and the question shall the said bill pass? was determined in the affirmative.

Mr. Edmonston presented the petition of W. P. Poindexter, of Haywood county, praying for the establishment of a turnpike road. On motion, ordered that the said petition be referred to the committee on Internal Improvement.

Mr. Iredell presented the petition of sundry citizens of the State, on the subject of lands they purchased at the late sales of the lands in the Cherokee purchase, and from which they had been evicted by due course of law. On motion of Mr. Iredell, ordered that the petition be referred to the committee of Finance.

Mr. Durgan, from the committee of Privileges and Elections, to whom was referred the petition of Tilman Farrow, contesting the seat of Littlejohn Pugh, made a report adverse to the prayer of said petition, recommending its rejection. On motion of Mr. Picot, ordered that the said report be made the order of the day for Thursday next, then to be taken up in committee of the Whole.

Mr. Cox presented a bill to authorise Frederick Jones, of the county of Lenoir, to erect a bridge across Neuse river. The said bill was read the first time, and the question shall said bill pass? was determined in the affirmative.

Mr. Ellison presented a bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovy Hassel and Seindy Hassel, children of said White, and to legitimate them. The said bill was read the first time, and the question shall the said bill pass? was determined in the negative.

A message from the Senate, proposing to ballot, at the meeting of the two Houses to-morrow morning, for a Governor of the State for the ensuing year, and informing that the present incumbent, Hutchins G. Burton, is in nomination for the appointment. The message was concurred in, and the Senate informed thereof by message.

On motion of Mr. Bain, ordered that a message be sent to the Senate, proposing to ballot, to-morrow at 12 o'clock, for a Public Printer for the ensuing year, and informing that Bell & Lawrence and Gales & Son are in nomination for the appointment.

On motion of Mr. Scott,

Resolved, That a select committee, to be styled a committee on the Judiciary, be appointed; and that Messrs. Scott, Iredell, Shepperd, Swain, and Caldwell form this committee.

Mr. Conrad presented the petition of Lawson Henderson and others, of Lincoln, praying to be authorised by law to appropriate certain monies in their hands for repairing the Pleasant Retreat Academy, in the town of Lincolnton. Mr. Conrad presented the petition of Eliza Bevins, of Lincoln, praying to be divorced from her husband Simson Bevins. Mr. Tillet presented the petition of Benjamin Jones, of Camden county, stating that he had been convicted unjustly of petit larceny, and praying to be restored to the privileges of a citizen. Mr. W. W. Jones presented a letter from Lewis Gomez, one of the Auctioneers of the town of Wilmington, stating that he had transmitted to the Treasurer all the money he was liable to pay, up to the 30th of September last, but, owing to some informality, he cannot obtain a receipt; and praying to be secured in said payment. On motion, ordered that the said petitions and letter be referred to the committee of Propositions and Grievances.

On motion of Mr. Shepperd,

Resolved, That the Secretary of State be, and he is hereby authorised and required to issue a grant to Amos Jackson, for fifty acres of land, situated in the county of Stokes, agreeably to the entry and survey heretofore made.

The certificate of the County Court of Cumberland, in favor of Isabella

Campbell, allowing her a pension of twenty pounds for the present year, was returned from the Senate, countersigned by the Speaker of that House.

A message from the Senate, agreeing to refer, as proposed by this House, the message of the Governor of the 28th, in relation to the reception and accommodation of Gen. Lafayette, to the committee of Finance; and the resolution directing the committee of Finance to inquire into the expediency of reducing the tax on Pedlars on land and the navigable streams in the State, concurred with by that House. On motion of Mr. Shepperd, ordered that the message of the Governor of the 26th be referred, with the accompanying documents, to the committee on Internal Improvements, and sent to the Senate.

On motion of Mr. Swain,

Resolved, That the committee of Finance be instructed to inquire into the expediency of providing by law, that licenses to retailers shall be signed by the Comptroller, and issued and accounted for by the Sheriffs of the several counties in this State, in the same manner that Pedlars' licenses are now signed, issued and accounted for.

Ordered that the said resolution be sent to the Senate for concurrence.

The resignations of Clinton Hartley, Colonel Commandant of the second regiment of the Burke county militia; Jeremiah Pearsall, Major of the Duplin county militia; and Alexander Torrance, Justice of the Peace for Iredell county, were read and accepted.

The Speaker laid before the House the annual report of the Public Treasurer, to wit:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—In making to you the annual Report required of the Public Treasurer by law, I have the honor respectfully to submit the following, to wit:

The Receipts at the Treasury of North-Carolina for the year commencing with the first day of November, 1824, and ending with the last day of October, 1825, including sundry payments of arrearages, and the Public Taxes of every other description, which became due and were paid at the Treasury of this State within that period, together with the Dividends declared by our three several Banks, and which were not appropriated; the purchase money or proceeds of the vacant Lands latterly entered, and paid for in course of the time above mentioned; and the collection made from the Bonds given by purchasers of the Public Lands near Raleigh, which were sold in 1820, amounting to one hundred and twelve thousand, two hundred and twenty-nine dollars, fifty-six cents and five-sixths of a cent (\$112,229 56 5-6.)

To this sum, the balance remaining in the Treasury on the first day of November, 1824, and thereafter to be accounted for, as reported to the last General Assembly, being added, viz. one hundred and thirty-seven thousand and forty-one dollars, six and a half cents, an aggregate amount of two hundred and forty-nine thousand, two hundred and seventy dollars, sixty-three cents and one third of a cent, is formed (\$249,270 63 1-3.)

From this sum total, Disbursements have been made, within the time first above mentioned, including the defaced and worn Treasury Notes burnt by the last Assembly, to amount of one hundred and thirty-five thousand, three hundred and eighty-six dollars and thirty-five cents and

seven-twelfths of a cent (\$135,886 35 7-12,) the vouchers for which have been handed over to the Comptroller, and passed upon by that officer.

This Expenditure being deducted from the aggregate amount above mentioned, will be found to leave a balance of one hundred and thirteen thousand, eight hundred and eighty-four dollars and twenty-seven cents and three fourths of a cent, remaining in the Treasury of this State, on the first day of November instant—say on the first day of November, 1825, and hereafter to be accounted for (\$113,884 27 3-4.)

For the several items forming the reception and expenditure above mentioned, the Public Treasurer asks leave respectfully to refer to the printed Statement prepared and furnished by the Comptroller, for the use of the Members of the present General Assembly.

The State Bank declared Dividends in the months of December and June last, at the rate of 4 per cent. which, on the shares held in it by North-Carolina, amounted to twenty-one thousand four hundred and twelve dollars, which were passed to the credit of the State by that Bank, and are, of course, included in the amount of the Receipts at the Public Treasury first above mentioned:—The *December* Dividend, however, was subjected to a reduction of three thousand, three hundred and fifty-six dollars and twenty-four cents, being the amount of the interest which had accrued and was payable out of it to the Bank according to law, on account of the unpaid for shares of the Stock held therein by North-Carolina, at the time of the declaration of the said dividend. The voucher for which reduction from the dividend and payment to the Bank is included in the general account of expenditures or disbursement for the late fiscal year, and will be found in the files handed over to the Comptroller, as above mentioned.

The Banks of Newbern and Cape Fear, likewise declared half yearly dividends in the months above mentioned; the Bank of Newbern, at the rate of four per cent. and the Bank of Cape Fear, at the rate of three per cent; the proceeds of which formed a part of the Fund set apart for Internal Improvements. The Bank of Cape Fear declared, additionally, on the Stock then lately purchased by the State, as follows, viz. In December, to amount of eighteen dollars, and in June last, to amount of three hundred and three dollars, which went of course into the common Treasury.

The Cape Fear Navigation Company declared likewise a dividend of four per cent. for the year 1824, which, on the Stock held in it by North-Carolina, and on the payments made by her, in part of her last subscription, up to the first of November, 1824, amounted to four hundred and two dollars and twenty-seven cents; which sum likewise formed an item of receipt at the Treasury of the State.

Of the sum of one hundred and thirteen thousand eight hundred and eighty-four dollars and twenty-seven cents and three fourths of a cent, above mentioned, as being the balance due and payable from the Public Treasurer to the State of North-Carolina, on the first day of the present month, viz. on the first day of November, 1825, forty-five thousand four hundred and forty dollars and thirty-six cents are deposited and stand at my credit, as Public Treasurer, in the State Bank at Raleigh.

Fifty-six thousand, one hundred and four dollars and sixty-nine cents, are deposited and stand at my credit, in like manner, in the Bank of Newbern, in Raleigh:

And eighteen thousand, three hundred and forty-four dollars, and twenty-three cents, are deposited, in like manner, and stand at my credit, as Public Treasurer, in the Bank of Cape-Fear, at Fayetteville.

The remainder consists of worn and redeemed Treasury Notes, counted in files and made ready for burning, amounting to thirteen thousand, nine hundred and eighty-five dollars, and eighty-five cents—of warrants and other claims on the Treasury paid off and taken up since the close of the late fiscal year—and of cash kept in the office for the purpose of meeting the demands or expenditures of the day.

The Public Treasurer has rendered to the President of the Board of Internal Improvements an account of his Receipts and Expenditures from the first of November, 1824, to the first of November, 1825, comprehending the payments made at the Treasury by the purchasers of parts of the Cherokee Lands, together with all other monies received by him and which are subject to the drafts or disposal of that Board; which shows and leaves in his hands an unexpended sum or balance of seventeen thousand, five hundred and sixty-four dollars, and ninety-six cents, yet to be accounted for (17,564 96)—a copy or abstract of which Account or Statement accompanies this, and is marked with the letter A.

The Treasurer has the honor likewise to submit to the General Assembly, an Abstract of Receipts and Disbursements, or Statement of Account, shewing the condition of the Agricultural Fund of North Carolina on the first day of the present month, which will be found to leave a balance of seven thousand, six hundred and ninety-three dollars, and seven cents, in favor of and to the credit of the said Fund (7,693 07)—which Statement is marked with the letter B.

The Public Treasurer has continued to progress in issuing the Treasury Notes ordered by the Assembly of 1823, from time to time and as he could make sale of them; that work however remains still unfinished, owing to the want of a sufficient number of purchasers: in course of the current year, and before the next meeting of the Legislature, it is hoped and believed, the business will be completed and satisfactorily closed.

With respect to the Stock purchased and to be purchased with the proceeds of the Treasury Notes issued and to be issued, the Treasurer has hitherto been enabled to procure nine shares only of State Bank Stock—and sixteen shares only of the Stock of the Bank of Newbern; for each of which purchases he gave par, or one hundred dollars per share:—He has bought of the Stock of the Bank of Cape-Fear, two hundred and thirty-five (235) shares at ninety-five dollars per share; and has agreed to purchase, at the same rate, the Stock of that Bank which is at present held by the Cape-Fear Navigation Company, on the ground principally, of the interest which the State holds or has in that Company:—Others have offered of the like kind of stock, but it appeared to him best to decline purchasing *so largely* in the Stock of one and the same Bank, for the present and until the wishes of the Legislature should be known:—He is persuaded the Bank of Cape Fear is unquestionably solvent, and that its Stock is safe and valuable, and believes withal, that the present reduced market price of it, is to be accounted for, principally, and perhaps solely, from the circumstance of her Dividends having latterly been declared at the rate of 3 per cent. only, whilst those of our other Banks were declared at 4 per cent.

In obedience to the Resolution of the last General Assembly in regard to Wrecks, &c. &c. the Treasurer has invited the attention of the Solicitors for the State, for the ridings bordering on our sea-coast, to that business; and doubts not they will enable him, at some future and early day, to report satisfactorily on the subject.

The Exposés or Statements of the situation of the Banks of Cape-Fear and Newbern, in December and June last, are herewith transmitted:—Those required of the State Bank are not yet prepared, but will be made up to the present time, early in the next week; when they shall likewise be forwarded, without further delay.

Much and respectfully, Gentlemen, your obd't. serv't,

JOHN HAYWOOD, *Pub. Treas.*

Raleigh, Nov. 29, 1825.

On motion of Mr. Shepperd, ordered that the said report be printed, together with the accompanying documents; and that it be sent to the Senate, with a proposition to refer the same to the joint committee of Finance.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 30, 1825.

Mr. Skinner presented the memorial of the Manumission Society of the State, which, being read, was, on the motion of Mr. A. Moore, postponed indefinitely.

Mr. Picot, from the committee on that part of the Governor's message as relates to the cession of lands to the United States at the Bogue Banks and at Oak Island, for the purpose of erecting fortifications, reported two bills on the subject: one to cede to the United States a certain tract of land called Bogue Banks; the other to cede to the United States an Island at the mouth of Cape Fear river. The said bills was read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Spurgen presented a bill to locate the poor house of Davidson county. Mr. Andrews presented a bill compelling the Register of Rowan county to keep his office in the Court House of said county. The said bills were read the first time, and the question shall the said bills pass? was determined in the affirmative.

On motion of Mr. Williamson,

Resolved, That a select committee be appointed on the subject of Divorce and Alimony; and that the committee consist of Messrs. Williamson, Caldwell, Gause, Skinner, Williams of Onslow, Gorham, Matthews of Fayetteville, and Buon.

On motion of Mr. A. Moore,

Resolved, That the committee of Propositions and Grievances be discharged from the consideration of such petitions as stand referred to them, on the subject of divorce and alimony; and that the said petitions stand referred to the committee on Divorce and Alimony.

On motion of Mr. W. W. Jones, ordered that the bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned,'" passed in the year 1792, be referred to the Judiciary committee.

Mr. Holland presented the petition of sundry citizens of Lincoln coun-

ty, relative to the appointment of patrols. Mr. Marshall presented the petition of Judith D. Chapel, praying to be divorced from her husband Gabriel Chapel. Ordered that these petitions be referred, the former to the committee of Propositions and Grievances, the latter to the committee on Divorce and Alimony.

Mr. D. Underwood presented a bill to repeal an act, passed in the year 1819, entitled "an act to create a fund for Internal Improvements, and to establish a Board for the management thereof." The said bill was read the first time and passed, and, on motion, ordered to lie on the table.

Mr. W. W. Jones presented a bill to repeal so much of the law now in force as provides for the payment of talismen summoned to attend as jurors in the County and Superior Courts, so far as relates to the county of New-Hanover. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that Messrs. Spaight of Craven and Hargrave form the committee, on their part, to conduct the balloting for a Governor for the ensuing year.

On motion, ordered that a message be sent to the Senate, informing that Mr. Williamson and Mr. Wilcox attend the Senate, as a committee on the part of this House, to conduct the balloting for Governor for the ensuing year.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Perquimons, reported that the committee had considered the petition, and directed him to report a bill, to carry into effect the prayer of the petition, entitled "a bill to authorise the County Court of Perquimons to distribute and apportion the inhabitants of the town of Hertford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The bill to establish Oak Grove Academy, in the county of Greene, and to incorporate the trustees thereof; also the bill to declare in force in the county of Rowan the provisions of an act, passed in the year 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person;" also the bill compelling the Register of Rowan county to keep his office in the court house of said county, were respectively read the second and third times, and the question shall the said bills pass? was determined in the affirmative. On motion, ordered that the said bills be engrossed, and sent to the Senate for concurrence.

A message from the Senate, informing of the disagreement of that House to the proposition to ballot to-day for a Public Printer.

Received from the Senate, the following resolution, to wit:

Resolved, That it be referred to a select joint committee of both Houses of this General Assembly to inquire whether any, and what contract was made with Joseph Gales & Son, State Printers, at the last session of the General Assembly; and that they also inquire for what price the public printing can be obtained.

Messrs. Speight of Greene, Scawell, Forney, Love and Jones of Wilkes form the committee on their part. The question to concur with the said resolution passed in the affirmative, and a committee appointed to join the committee appointed by the Senate, consisting of Messrs. Scott, Bain, Blount, Cowan and Martin, and the Senate informed thereof by message.

A message from the Senate, proposing to ballot, at the meeting of the

two Houses to-morrow, for a Public Treasurer and Comptroller, and informing that John Haywood, as Public Treasurer, and Joseph Hawkins, as Comptroller, are in nomination for the appointments.

The bill to authorise Frederick Jones, of Lenoir county, to erect a Bridge across Neuse river, was read the second time, and the question shall the said bill pass? was determined in the affirmative. The said bill was ordered to be read the third time, and, on motion, laid on the table.

The bill to locate the Poor House in the county of Davidson, was read the second time and passed. On motion, ordered that the said bill be read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. W. Underwood presented the memorial and representation of the Grand Jury of Chatham county, on the subject of a Penitentiary. On motion of Mr. W. Underwood, ordered that the memorial be referred to a joint select committee, and, on the part of this House, to Messrs. Underwood, Polk, Spruill, Miller and Marshall, and a message sent to the Senate, requesting their concurrence with the reference.

On motion of Mr. Picot,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the Law relative to Guardians, as to remove any doubts as regard the extent of their liability after surrender of their trust to the Court from which they received it; and that they report by bill or otherwise.

The resignations of James Holland, Lieutenant colonel of the first regiment of militia in Lincoln county, and John Kelly, Justice of the Peace for Franklin county, were read and accepted.

Received from the Comptroller, a statement, in pursuance to a resolution of the last Session of the Assembly, exhibiting the amount of monies, so far as returns were made to him, expended in support of the Poor in the respective counties of the State. On motion, ordered that the said statement or report be sent to the Senate, proposing that the exhibit accompanying the report be printed for the use of the members.

The House then adjourned until to morrow morning, 10 o'clock.

THURSDAY, DECEMBER 1, 1825.

Mr. Williamson, from the committee appointed to conduct the balloting for Governor of this State for the ensuing year, reported that the committee had performed that duty, and that, on examining the ballots, a majority of the whole number was found to be in favour of Hutchins G. Burton, who, therefore, was duly elected. The question to concur with the report passed in the affirmative.

On motion of Mr. Picot, ordered that a message be sent to the Senate, proposing to raise a joint select committee to wait on the Governor, and to inform him of his re-election to the chief magistracy of State for the ensuing year, and to know of him when it may be convenient for him to attend and take the oaths of qualification. Messrs. Picot, Miller & Williamson form the committee on the part of this House.

Samuel P. Ashe, one of the members of Cumberland county, appeared, produced his credentials, was qualified, and took his seat.

Mr. Cooper presented a bill allowing compensation to the jurors of the Superior and County Courts of Martin county; Mr. Matthews presented a bill to repeal in part an act, passed in the year 1820, entitled

"an act to authorise and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington, and Tarborough to organize and keep up Fire Engine companies; Mr. Durrett presented a bill to restrain improper conversations with free negroes and mulattoes on the subject of emancipation. These bills were respectively read the first time; and the question shall the said bills pass? was determined in the affirmative.

On motion of Mr. Miller,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law concerning the trial of slaves, that the Superior Courts shall have original jurisdiction of all cases which shall affect life, limb or member.

Mr. Blount presented a bill to provide for the removal of the shoal in Tar River below the town of Washington. The said bill was read the first time and passed, and, on motion, referred to the committee on Internal Improvements.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the bill to annex part of the counties of Rutherford and Burke to Buncombe county, made a report adverse to the principles of the bill. On motion, ordered that the consideration of the report be postponed until Monday next.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Charles Lewis and Benjamin Hyder, of Rutherford county, reported that the committee had considered the petition, and directed him to recommend its rejection. The question to concur with the report passed in the affirmative.

On motion of Mr. Carson, ordered that he have leave to withdraw from the files the petition of Charles Lewis.

And on motion of Mr. Matthews, ordered that he have leave to withdraw from the files the petition of Sherwood Fort, and the accompanying papers.

Mr. Wilson presented a bill to prevent persons who may be appointed commissioners for any purposes from becoming contractors. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Iredell, from the joint committee of Finance, to whom was referred the resolution directing them to inquire into the expediency of reducing the tax on pedlars on land and water in this State, reported that the committee, agreeably to order, had had the said resolution under consideration, and directed him to report that it is inexpedient to reduce the said tax. Mr. Martin moved that the question be divided, and that the pedlars on land be exempted from the operation of the report. The question thereon passed in the negative. The question then, shall the said report pass? was determined in the affirmative.

The House, on the motion of Mr. Picot, resolved itself into a committee of the whole, Mr. Shepperd in the Chair, on the report of the committee of Privileges and Elections on the petition of Tillman Farrow; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Shepperd reported that the committee of the whole, agreeably to order, had had the said report under consideration, and directed him to recommend to the House that the said report be concurred with. The question thereon passed in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 2, 1825.

On motion, ordered that Mr. Polk, Mr. Dockery and Mr. Jones be added to the Military committee.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of John Chambers, of Haywood county, reported that the committee had considered the said petition, and directed him to report a bill, to carry into effect the prayer thereof, entitled "a bill to divorce John Chambers, of Haywood county, from his wife Riney." The question to concur with the report passed in the affirmative, and the bill reported, read the first time and passed.

On motion of Mr. Matthews,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of amending the militia laws of the State, and report by bill or otherwise.

On motion of Mr. Swain, ordered that the bill to cede to the United States a certain tract of land, called Bogue Banks, and the bill to cede to the United States an island at the mouth of Cape-Fear river, be recommitted to the committee who reported them.

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for a Comptroller for the ensuing year, and informing that the name of William Hill is added to the nomination.

Mr. Polk presented the petition of Robert Bingham, praying to be divorced from his wife Mary. Ordered that the said petition be referred to the committee on Divorce and Alimony.

On motion, ordered that the bill to restrain improper conversations with free negroes and mulattoes, on the subject of emancipation, be referred to the committee on the Judiciary.

On motion, ordered that the consideration of the bill to repeal an act, passed in the year 1819, entitled "an act to create a fund for Internal Improvement, and to establish a Board for the management thereof," be postponed until Tuesday next.

A message from the Senate, informing that Mr. Hill of Franklin and Mr. Melvin attend this House as superintendants, on their part, of the balloting for Comptroller and Treasurer.

On motion, ordered that a message be sent to the Senate, proposing to separate the election; and that a balloting for Treasurer only take place this morning; and informing that Mr. W. T. Williams and Mr. Cowan form the committee on the part of this House to conduct the balloting for Treasurer.

On motion, ordered that a message be sent to the Senate, informing that the name of John G. A. Williamson is added to the nomination for Comptroller.

The bill to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse River, was read the third time. Mr. Miller moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the affirmative. Mr. Cox moved that he have leave to withdraw from the files the said bill. The question thereon passed in the negative.

A message from the Senate, informing of their disagreement to the proposition of this House to separate the election for Treasurer and Comptroller.

Mr. Shepperd moved that this House recede from the proposition to separate the election for Treasurer and Comptroller. The question thereon passed in the negative.

Received from the Senate, a message, proposing several amendments to the engrossed bill to keep open the French Broad River, in the county of Buncombe. The said amendments were read and concurred in, and the Senate informed thereof by message.

The bill to prevent persons who may be appointed commissioners for any purposes, from becoming contractors, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The resolution instructing the committee of Finance to inquire into the expediency of providing by law that licenses shall be signed by the Comptroller, and issued and accounted for by the Sheriffs, was returned from the Senate, concurred with.

On motion of Mr. Skinner,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of appointing in each county within this State a regular and standing Board of Auditors, whose duty it shall be to settle and pass upon all accounts exhibited by executors and administrators of estates; which accounts, so audited and reported upon to the County Courts by the said Board, shall be deemed good and sufficient evidence for and against all such executors or administrators (where fraud shall not appear) in all suits at law, wherein they may be parties, or in their settlements with the County Court; also the propriety of passing an act of limitation, within which all claims for distributive shares of any estate, or claims of any other description, shall be made known to the executors or administrators of such estates, or be forever barred; and that they report by bill or otherwise.

A message from the Senate, informing that they had appointed a committee, consisting of Messrs. Davidson of Mecklenburg, Legrand and Speight of Greene, to join the committee appointed by this House to wait on his Excellency the Governor, and to inform him of his re-election to the Chief Magistracy of State for the ensuing year, and to ascertain when it will be convenient for him to attend and take the oaths for his qualification prescribed by law.

Mr. Martin, in pursuance to his notification, presented a bill to establish a Bank on behalf of and for the benefit of the State. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be printed, two copies for each member of the Assembly.

The bill to repeal so much of the law now in force as provides for the payment of talismen, summoned to attend as jurors in the County and Superior Courts, so far as relates to the county of New Hanover, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, by their Clerk Assistant:

Mr. Speaker,—The Senate have passed a bill to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of the Laurel Hill, by the way of Holman's Ford, in the county of Wilkes, and for other purposes; also a bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for laying a tax for the same;" also a bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Burke, Haywood, Wilkes and

Ashe;" also a bill to amend an act, passed in 1822, entitled "an act to make compensation to the jurors of the counties of Franklin and Camden;" also a bill to amend an act for the better care of orphans, and security and management of their estates; and also a bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof. In which they ask the concurrence of this House.

The bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Burke, Haywood, Wilkes and Ashe;" also the bill to amend an act for the better care of orphans, and security and management of their estates; also the bill to amend an act, passed in the year 1822, entitled "an act to make compensation to the jurors of the counties of Franklin and Camden;" also a bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and laying a tax for the same;" also the bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof. These bills were respectively read for their first reading, and the question shall the said bills pass? was determined in the affirmative.

The bill to authorise the County Court of Perquimons to distribute and apportion the inhabitants of the town of Hertford, on the streets and the public roads adjacent thereto, in a just and equitable manner, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The resignation of Thomas J. Hicks, Col. Commandant of the 37th regiment of infantry in the 16th brigade of the militia, was read and accepted.

A message from the Senate, informing of the assent of that House to the reference of the report of the Public Treasurer to the committee of Finance, and the printing of the same with attendant exposes.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 3, 1825.

The bill to amend the several acts of Assembly passed to extend and improve the State road leading from Wilkesborough to the foot of Laurel Hill, by way of Holman's Ford, in the county of Wilkes, and for other purposes, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

On motion of Mr. Edwards,

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the laws of the State prescribing the duties of Sheriffs, as to enable the County Trustees and the Wardens of the Poor for the respective counties in the State, to proceed by citation against the securities as well as the Sheriff or Sheriffs, who may fail to pay over and account for, as by law required, to the Trustees and County Wardens as aforesaid, such monies as the Sheriffs of the respective counties in the State may collect for county uses and the support of the poor, to the intent that judgment may be obtained against such defaulting Sheriff and his securities, without having to resort to the more tedious process by writ; and that they report by bill or otherwise.

Mr. Durrett presented a bill to alter the dividing line between the counties of Surry and Stokes; Mr. Caldwell presented a bill to authorise the trustees of the Salisbury Academy to raise, by way of Lottery, ten

thousand dollars; Mr. Best presented a bill to incorporate Line Academy, in the county of Sampson; Mr. Smith, of Davidson, presented a bill to establish Lexington Academy, in the county of Davidson, and incorporate the trustees thereof. These bills were severally read the first time, and the question shall the said bills pass? was determined in the affirmative.

Received from the Senate, the report of the select committee on the Public Printing; which was read and laid on the table.

On motion of Mr. Foy, ordered that a message be sent to the Senate, proposing to ballot immediately for a Public Printer for the ensuing year.

On motion of Mr. Picot,

Resolved, That a message be sent to the Senate, proposing to appoint a select joint committee for the purpose of inquiring into the propriety of establishing a Medical Board for the State; and Messrs. Scott, Ashe, W. W. Jones, Allen and Wilson form this committee.

A message from the Senate, agreeing to ballot this morning for a Public Printer for the ensuing year; and that Mr. Hill of Franklin and Mr. Bethune form the committee on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Scott and Mr. Bain form the committee on the part of this House to conduct the balloting for Public Printer.

A message from the Senate, proposing that the superintendants of the balloting for Public Printer be directed to wait on the members confined in their chambers, and to receive their ballots. The question to concur with the message passed in the negative, and the Senate was informed thereof by message.

A message from the Senate, informing that they had passed a bill to incorporate Ebenezer Academy, in the county of Person, and asking the concurrence of this House. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Elliott presented a bill to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland; Mr. Mhoon presented a bill to establish a poor house in the county of Bertie; Mr. M'Cauley presented a bill to prevent protracted litigation, by enlarging the jurisdiction of Justices of the Peace. These bills were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative. On motion, ordered that the latter lie on the table and be printed.

Mr. Scott, from the committee appointed to conduct the balloting for Public Printer for the ensuing year, reported that the committee had performed the duty assigned to them, and that, on examining the ballots, it appeared Bell & Lawrence had a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

Mr. Vann presented the petition of Hiram Stewart, of the city of Raleigh, praying to be employed as the keeper of the State House; Mr. Durrett presented the petition of Abraham Stout, of the county of Surry, stating that a valuable part of his lands has been materially injured by the erection of a dam, constructed by the Yadkin Navigation Company, at the head of the Bean Shoals, and praying for remuneration. Ordered that the said petitions be referred to the committee of Propositions and Grievances.

Mr. W. W. Jones presented the petition of William Boylan, of the city of Raleigh, in behalf of himself and other heirs of the late Benjamin M'Colloch, praying for the repayment of certain monies paid by their ancestor, for a tract of confiscated lands, purchased by him, and of which they have been evicted by due course of law. On motion, ordered that the said petition be referred to the committee of Claims.

Mr. Unthank presented the petition of Elizabeth Lemar, of Guilford county, praying for the passage of a law, securing to her such property as she may hereafter acquire, from the claim or disposal of her husband. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Gordon presented the petition of sundry citizens of Wilkes county, praying for the appropriation of a sum of money for the improvement of a road from Wilkesborough to the Salt Springs, in Virginia. Ordered that the said petition be referred to the committee on Internal Improvements.

The bill to establish Lexington Academy, in the county of Davidson, and to incorporate the trustees thereof; also the bill to establish a poor house in the county of Bertie; also the bill to authorise the trustees of the Salisbury Academy to raise, by way of Lottery, ten thousand dollars; and also the bill to repeal in part an act, passed in the year 1820, entitled "an act to authorise and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough to organize and keep up fire engine companies;" also the bill to authorise the County Court of Perquimons to distribute and apportion the lands belonging to the inhabitants of the town of Hertford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner; also the bill allowing compensation to the jurors of the Superior and County Courts of Martin county; also the bill to incorporate Line Academy, in the county of Sampson; also the bill to repeal so much of the law now in force, as provides for the payment of talismen summoned to attend as jurors in the County and Superior Courts, so far as it relates to the county of New-Hanover. These bills were respectively read the second and third times, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate for concurrence.

The bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof; also the bill to divorce John Chambers, of the county of Haywood, from his wife Riney; also the bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts for the county of Columbus, and laying a tax for the same;" and also the bill to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland. These bills were each read the second time; and the questions shall the said bills pass? were determined in the affirmative.

The bill to incorporate Ebenezer Academy, in the county of Person, was read the second and third times, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. Picot presented a bill to repeal an act, entitled "an act to increase

the salary of the Public Printer," passed in 1815. Mr. Wilson presented a bill to alter the mode of punishment for the crime of horse-stealing. These bills were read for their first reading; the former passed, and the latter referred to the Judiciary committee.

The bill to amend an act, passed in the year 1822, entitled "an act to make compensation to the jurors of the counties of Franklin and Camden," was read the second and third times, and the questions shall the said bill pass? were determined in the affirmative. Ordered, that the said bill be enrolled.

The bill to alter the dividing line between the counties of Surry and Stokes, was read and ordered to lie on the table.

The bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," was read the second time and passed. Ordered that the said bill lie on the table.

Mr. Williamson, from the committee of Divorce and Alimony, to whom was referred the petition of Eliza Bevins, praying to be divorced from her husband Simpson Bevins, reported that the committee, agreeable to order, had had the said petition under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof. The question thereon passed in the affirmative.

A message from the Senate, agreeing to refer to a select joint committee the memorial or representation of the grand jury of Chatham county, on the subject of a Penitentiary; and informing that Messrs. Gilchrist, Hogan, Joiner, Montgomery and Hill of Stokes form the committee on their part.

The bill to amend an act for the better care of orphans, and security and management of their estates, was read, amended, and referred to the Judiciary committee.

The resignations of N. G. Rand, Major of the 1st regiment of the Wake county militia, and Stephen Turner, Justice of the Peace for the county of Warren, were read and accepted.

Mr. Picot, from the select joint committee appointed to wait on his Excellency the Governor, and inform him of his re-election to the Chief Magistracy of State for the ensuing year, and to ascertain when it would be convenient to qualify, reported that the committee had performed the duty assigned to them, and the Governor replied that he would, on Tuesday next, at 12 o'clock, attend and take the oaths prescribed by law for his qualification.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 5, 1825.

Received from the Senate, a resolution for the purpose of raising a joint select committee to inquire into the expediency of altering the time of the meeting of the General Assembly, and that they report by bill or otherwise; and informing that Messrs. Speight of Greene, Love, Forney, Pickett, and Hill of Franklin form the committee on their part. The said resolution was concurred in, and a committee appointed, consisting of Messrs. Polk, Barnett, Elliott, Gary and Gause, to join the committee appointed by the Senate.

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for a Public Treasurer, for the ensuing year.

A message from the Senate, informing that Mr. Davenport and Mr. Shuford attend this House as a committee to conduct the balloting for Public Treasurer on their part.

On motion, ordered that the Senate be informed by message that Mr. N. Jones and Mr. Bozman form the committee on the part of this House to conduct the balloting for Public Treasurer.

On motion of Mr. Durgan, ordered that a message be sent to the Senate, proposing to ballot immediately for Comptroller for the ensuing year.

A message from the Senate, informing that they had passed a bill to divorce Elizabeth Brickell, of Halifax county, from her husband Samuel Brickell, and to alter her name; and a resolution in favor of Matthew Miller, and asking the concurrence of this House.

The bill to divorce Elizabeth Brickell, of the county of Halifax, from her husband Samuel Brickell, and to alter her name, was read the first time; and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing of their assent to the proposition of this House to ballot immediately for a Comptroller, and informing that Mr. Vanhook and Mr. Montgomery form the committee on their part to conduct the balloting.

On motion, ordered that a message be sent to the Senate, informing that Mr. Durgan and Mr. Webb attend the Senate as a committee on the part of this House to conduct the balloting for Comptroller.

Mr. Clement presented a bill to alter the name of Edward Newton, of Rowan county, and to legitimate him. Mr. Ashe presented a bill more effectually to suppress the practice of treating in elections. These bills were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. N. Jones, from the committee appointed to conduct the balloting for a Public Treasurer for the ensuing year, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, the majority of the whole number was found to be in favor of John Haywood, who was duly elected. The question to concur in the report passed in the affirmative.

The bill to establish a distinct militia company and battalion muster in the county of Carteret, was read the second and third times, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Swain presented a bill to arrange in numerical order the regiments of infantry of the militia of this State in the counties in which they are located. The said bill was read, and, on motion, referred to the committee on Military Affairs.

Mr. Durgan, from the committee appointed to superintend the balloting for Comptroller for the ensuing year, reported that the committee had performed the duty assigned to them; and, on examining the ballots, a majority of the whole number was found to be in favor of Joseph Hawkins, who was duly elected. The question to concur with the report passed in the affirmative.

The bill to repeal an act, entitled "an act to increase the salary of the Public Printer," was read. Mr. Burns moved to amend the said bill by striking out the whole, and substituting an amendment, which he present-

ed, altering the title to read "a bill to fix the compensation hereafter to be given to the Public Printer in this State." The question thereon passed in the affirmative; and the bill, on motion, was referred to Messrs. Donoho, Burns, Miller, Spruill and Rand.

On motion of Mr. Bateman,

Resolved, That all resolutions, the object of which is to draw money from the Treasury, shall be read three times.

The bill to prevent persons who may be appointed commissioners for any purposes from becoming contractors, was read and amended. On motion, ordered that the said bill be referred to the committee on the Judiciary.

Mr. Dockery presented a bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

On motion of Mr. Wilson,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of making an appropriation for the better improving and finishing the State road leading from Wilkesborough, crossing the Brushy Mountain, at Green's Gap, to the widow Bogle's, in Iredell county; and that they have leave to report by bill or otherwise.

On motion of Mr. Holland,

Resolved, That the Military committee be instructed to inquire into the propriety of so amending the militia laws, as to prescribe the arms, accoutrements and uniform proper to be worn by the militia officers of every grade which are not already prescribed by law; and that they report by bill or otherwise.

On motion, ordered that Messrs. Spruill, W. W. Jones, Miller and A. Moore be added to the Judiciary committee.

Mr. Gordon presented the petition of Willis Alexander, of Wilkes county, stating that he has been indicted and convicted of perjury; from which sentence he has obtained an appeal to the Supreme Court; but is now confined in jail; and prays that he may enter into bail for his appearance at Court, and sustaining the ultimate sentence. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill to repeal an act, passed in the year 1824, entitled "an act making compensation to the jurors of the Superior and County Courts of the county of Columbus, and for levying a tax for the same;" also the bill to establish Shady Grove Academy, in the county of Rockingham, and to incorporate the trustees thereof, were each read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

Mr. Love presented the petition of Joseph Welch, of Haywood county, praying to be authorised to erect a gate on a road leading through his plantation. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Bain presented a bill to repeal the 10th section of an act directing the manner in which Clerks of the Superior Courts shall be appointed, passed in the year 1806, entitled "an act for the more convenient administration of justice within this State." The said bill was read the first time and passed. On motion of Mr. Bain, ordered that the said bill be referred to the Judiciary committee.

On motion of Mr. Shepperd,

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of providing by law for the establishment and construction of a State road from Fayetteville to the town of Salem, in Stokes county, and from thence to Wilkesborough, in the county of Wilkes, with leave to report by bill or otherwise.

On motion of Mr. Gorham,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of reporting a bill making overseers of public roads competent witnesses in all cases, where it shall be their duty to give notice to the hands of the time of their working, under the same rules and regulations as are now required under the book debt laws.

On motion of Mr. Durrett,

Resolved, That the Judiciary committee be instructed to inquire into the propriety of so amending the laws of this State relative to the proving of deeds, bills of sale, mortgages, &c. &c. that the same may be proved before the Clerk of the County Court in which said deed, bills of sale, &c. are by law required to be registered, or before any two Justices of the Peace for said county; and that they report by bill or otherwise.

Mr. Cowan presented a bill to repeal an act, passed in 1824, entitled "an act to regulate the patrol of Ashe and New Hanover counties." The said bill was read the first time and passed.

The resolution in favor of Matthew Miller, of the county of Mecklenburg, allowing him a pension of seventy dollars per year during life, was read the first time and passed.

Mr. Howell presented a bill to alter the name of Henry Brown, of Robeson county, and to legitimate him. The said bill was read the first time and passed.

The bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, was read. Mr. W. W. Jones moved to amend the said bill, by adding the county of New Hanover. The question thereon passed in the affirmative. On motion of Mr. Jones, ordered that the said bill lie on the table.

The bill to divorce Elizabeth Brickell, of Halifax county, from her husband Samuel Brickell, and to alter her name, was read the second and third times, and the questions shall the said bill pass? were determined in the affirmative. Ordered that the said bill be enrolled.

The bill to divorce John Chambers, of the county of Haywood, from his wife Riney; also the bill to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland, were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The resignation of Thomas D. Kelly, Colonel Commandant of the first regiment of the Surry county militia, was read and accepted.

Received from his excellency the Governor, by his private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—I have the honor herewith to transmit you a report, communicated to this department by the Adjutant General. Several amendments are proposed to the militia laws of the State. All which is respectfully submitted.

Your most obedient servant,

H. G. BURTON.

Executive Department, }
5th December, 1825. }

On motion, ordered that the said report be referred to the Military committee, and be printed for the use of the members.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 6, 1825.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Judith De La Chapell, reported that the committee had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the negative. Whereupon Mr. Marshall presented a bill to divorce Judith De La Chapell from her husband Gabriel De La Chapell. The said bill was read the first time and passed.

Mr. Lewis presented the petition of Frances Womack, of Person county, praying to be divorced from her husband Henry Womack. Mr. W. W. Jones presented the petition of Jonathan Bryan, of New Hanover county, praying to be divorced from his wife Ann Jane. Ordered that these petitions be referred to the committee on Divorce and Alimony.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson; also a bill to secure to Sarah Wootters, of Guilford county, such property as she may hereafter acquire; also a bill to incorporate the Agricultural Society of Stokes county; also a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; and also a bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire; and asking for the concurrence of this House.

The certificate of the County Court of Warren, in favor of Elizabeth Harris, widow of Burrell Harris, allowing her a pension of seventy-five dollars for the present year, countersigned by the Speaker of the Senate, was read, and, on motion, countersigned by the Speaker of this House.

The bill to incorporate the Agricultural Society of Stokes county; also the bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire; also the bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson; and also the bill to secure to Sarah Wootters, of Guilford county, such property as she may hereafter acquire, were severally read and ordered to lie on the table.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the petition of Thomas W. P. Poindexter, of the county of Haywood, praying for the privilege of a turnpike road, reported that the committee had the said petition under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

On motion of Mr. Miller, ordered that a message be sent to the Senate, proposing that the select joint committee appointed to wait on his Excellency and to inform him of his re-election, be now directed to wait on

him and conduct him into the Commons Hall, for the purpose of his qualification as Governor for the ensuing year.

On motion, ordered that Mr. Bonner have leave to withdraw from the files the documents and papers appertaining to the contested election from the county of Hyde.

Mr. Gause presented a bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary. Mr. Gary presented a bill to incorporate Farmers' Library Society, in the county of Northampton. These bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. W. Underwood presented a bill to repeal an act, entitled "an act limiting the time within which judgments before a Justice of the Peace may be revived." The said bill was read the first time and passed, and, on motion, referred to the Judiciary committee.

Mr. Swain, from the committee to whom were recommitted the bill to cede to the United States an Island, called Oak Island, at the mouth of Cape-Fear River; also the bill to cede to the United States a certain tract of land, called Bogue Banks, reported the said bills with several amendments. The said bills, as amended, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to incorporate the Agricultural Society of Stokes county, was read the second time and passed. Ordered that the said bill be read the third time, and the question shall the said bill pass its second and third readings? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to alter the name of Edward Newton Daniel, of Rowan county, and to legitimate him, was read the second time and passed. On motion, ordered that the said bill be read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

On motion of Mr. Bain,

Resolved, That the committee on Military Affairs be instructed to inquire into the propriety of classing the militia of this State into two classes; the first class to consist of effective men from the age of eighteen to thirty-five years; the second class to consist of effective men from the age of thirty-five years to forty-five; that the effective men constituting the first class shall be subject to do military duty as now by law required; that the effective men composing the second class be only held bound to do military duty on days of regimental or general reviews.

Resolved further, That the same committee inquire into the expediency of placing the public arms, not otherwise disposed of, in the hands of the militia of the first class, to be used by them under the same rules, restrictions and regulations as the several acts relative to public arms require; and that they report by bill or otherwise.

The bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, was read the second time, and amended. The question shall the said bill pass? was determined in the affirmative.

The bill to repeal an act, passed in 1824, entitled "an act to regulate the patrol of Ashe and New-Hanover counties," was read the second time. The question shall the said bill pass? was determined in the affirmative.

The bill to alter the name of Henry Brown, of Robeson county, and to legitimate him, was read the second time. Mr. A. Moore moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative. The question then shall the said bill pass? was determined in the affirmative. Ordered that the said bill be read the third time. Mr. Webb moved that the question be decided by the yeas and nays, and the question shall the said bill pass? was determined in the negative—yeas 37, nays 77.

Those who voted in the affirmative, are Messrs. Alford, Baker, Ballew, Brooks, Brower, Burke, J. Carter, Clement, Conrad, Cooper, Donoho, Durrett, Edmonston, Ellison, Glasgow, Gordon, Hartley, Howell, Houze, Lewis, Love, Marshall, M'Nair, G. Moore, Poor, Raiford, Shepperd, Simmons, Simpson, J. Smith of Davidson, Stephens, Stedman, Tillett, Torrence, Underwood, Vann, J. Wright—37 yeas.

Those who voted in the negative, are Messrs. Adams, Andrews, Ashe, Ball, Barnard, Bell, Best, Blount, Eoon, Bonner, Borden, Bryan, Burns, Bynum, Caldwell, Carson, Carter, Cowan, Cox, Crawford, Daniel, Drake, Dunn, Durgan, Edwards, Elliott, Foy, Gary, Gause, Gorham, Hardy, Harper, Herbert, Hill, Holland, Hoover, Iredell, W. W. Jones, N. Jones, Latham, Lassiter, Martin, Matthews, Melchor, Mewborn, Miller, Mhoon, A. Moore, Murchison, M'Millan, Pickens, Pugh, Rand, Richardson, Scott, Simmons, Skinner, Smith of Anson, J. N. Smith, Spruill, Spurgen, Swain, Underwood, Unthank, J. Walton, W. Walton, Walker, Wasden, Weaver, Webb, Webster, Whitaker, Whitehurst, Wilder, W. T. Williams, Williamson, Wilson—77 nays.

His Excellency Hutchins G. Burton, in pursuance to his notification, attended in the Commons Hall, at twelve o'clock this day, both Houses being convened, and qualified as Governor of the State for the ensuing year, the several oaths prescribed by law for his qualification being administered by Chief Justice Taylor.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 7, 1825.

A message from the Senate, agreeing that the report of the Adjutant General be printed, as proposed by this House; and informing of the assent of that House to the several amendments made by this House in the engrossed bill to amend the several acts of Assembly passed to extend and improve the State road from Wilkesborough to the foot of Laurel Hill, by way of Holman's Ford, in the county of Wilkes, and for other purposes. Ordered that the said bill be enrolled.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Surry county, on the subject of a mill dam, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. M'Cauley presented a bill to incorporate University Lodge, No. 80, in the county of Orange. Mr. Caldwell presented a bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan. These bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. W. W. Jones, ordered that the bill granting to the Superior Court of the County of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary, be referred to the Judiciary committee.

The bill to incorporate Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county, was read the second time and amended. The question shall the said bill pass? was determined in the affirmative.

The bill to repeal an act, passed in 1824, entitled "an act to regulate the patrol of Ashe and New-Hanover counties;" also the bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

A message from the Senate, informing that they had rejected the engrossed bill allowing compensation to the jurors of the Superior and County Courts of Martin county; and that they had passed the following engrossed bills and resolution, to wit: A bill to establish a poor house in the county of Burke; also a bill for the improvement of the navigation of Perquimons river above Newby's bridge; also a bill making compensation to the jurors of the Superior and County Courts of Ashe county; also a bill to restore to credit Thomas Bennett, of Stokes county; and a resolution in favor of Dugald M'Farland; and asking the concurrence of this House.

The bill for the improvement of the navigation of Perquimons river above Newby's bridge; also the bill to establish a poor house in the county of Burke; and also the bill making compensation to the jurors of the Superior and County Courts of Ashe county, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to restore to credit Thomas Bennett, of Stokes county, was read, and, on motion of Mr. Caldwell, referred to the Judiciary committee.

On motion of Mr. Iredell, ordered that the resolution in favor of Dugald M'Farland be referred to the committee of Claims.

Mr. Love presented the petition of John Wekel and Barbary Buff, of Haywood county, praying for the remission of certain fines imposed on them by the Court of their county. The said petition was read, and, on motion, rejected.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Ephraim Elliott and others, of the county of Chowan, made a report unfavorable to the prayer of the petition, and recommending its rejection. The question to concur with the report passed in the affirmative.

Mr. Weaver presented the following resolution:

Resolved, That the Secretary of State be directed to issue a grant to Joseph Whitson, of the county of Buncombe, for one hundred acres of land, agreeably to the survey returned to the proper office on the entry taker's warrant and the Treasurer's receipt for the payment of the purchase money.

Ordered that the said resolution be referred to the committee of Claims.

Received from the Senate, a certificate of the County Court of Cumberland, countersigned by the Speaker, allowing a pension of twenty pounds to Ann Morrison, widow of Alexander Morrison, deceased, a soldier wounded in the war of the revolution. On motion, ordered that the said certificate be countersigned by the Speaker of this House, and returned to the Senate.

A message from the Senate, informing that they had rejected the engrossed bill to authorise the County Court of Perquimons to distribute and apportion the hands belonging to the inhabitants of the town of Hertford on the streets of said town, and the public roads adjacent thereto, in a just and equitable manner.

On motion of Mr. Love, ordered that he have leave to withdraw from the files the petition of John Wekel, of Haywood county.

The bill to cede to the United States a certain tract of land, called Bogue Banks; also the bill to cede to the United States an island, called Oak Island, or so much thereof as shall be purchased by the United States, for the purpose of erecting a fortification at the mouth of Cape-Fear River, were read, each, the third time, and amended, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

On motion of Mr. Gary,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of reporting a bill making it the duty of the Sheriff or Coroner, on all executions from the Supreme Court, to pay into the office of the Superior Court from whence the appeal was taken the cost due in said Court.

Mr. Cooper presented a bill to regulate the hire of Slaves. The said bill was read the first time and passed.

On motion of Mr. Swain, ordered that the bill more effectually to suppress the practice of treating in elections be made the order of the day for to-morrow, then to be considered in committee of the whole House.

On motion of Mr. Martin, ordered that the bill to establish a Bank on behalf of, and for the benefit of the State, be of the order of the day for Monday next, then to be taken up in committee of the whole House.

The report of the committee of Propositions and Grievances, to whom was referred the bill to annex part of the counties of Rutherford and Burke to Buncombe county, recommending the rejection of said bill, was read and concurred with.

On motion, ordered that the bill to repeal an act, passed in the year 1819, entitled "an act to create a fund for Internal Improvements, and to establish a Board for the management thereof," lie on the table.

Mr. Bain presented a bill to amend and explain the 8th section of an act, passed in the year 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out public roads," &c. &c. The said bill was read the first time and passed.

The bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan; also the bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Ashe presented the following resolution:

Resolved, That the committee on Education be instructed to ascertain and report to this House, as soon as possible, whether the committee appointed by the last General Assembly of this State, for the purpose of digesting a plan for the instruction of the children of the poor in the several counties in this State, intend reporting thereon or not; and, if not, that the said committee be further instructed to inquire into the expediency of reporting a bill creating a fund for, and a plan by which common schools may be established for the convenient instruction of the indigent youth in every county of this State.

On motion, ordered that the said resolution lie on the table.

The bill to incorporate University Lodge, No. 80, in the county of Orange, was read the second time and passed. On motion, ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative.

The bill to incorporate Farmers' Library Society, in the county of Northampton, and the Library Society of Greensborough, in Guilford county, was read the third time and passed.

Ordered that the said bills be engrossed and sent to the Senate.

Mr. Pickens presented the petition of Moses Kiser, of Montgomery county, praying that the lines of the county may be so altered as to include the lands on which he lives in the county of Cabarrus. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The resolution in favor of Matthew Miller, was read the second time and passed.

On motion, ordered that the bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," be referred to a select joint committee, and, on the part of this House, to Messrs. Miller, Wilson, Love, Whitaker and L. J. Simmons; and that a message be sent to the Senate, asking the concurrence of that House with the reference.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 8, 1825.

On motion of Mr. Gary,

Resolved, That the Treasurer pay George W. Lumsden the sum of twenty-four dollars twelve and an half cents, for carrying a writ of election to the Sheriff of Northampton county, to fill the vacancy in the Senate of this General Assembly, occasioned by the death of John Peebles, Esquire.

The said resolution was read the first time and passed.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Abraham Stow, of the county of Surry, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is not expedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. Matthews presented a bill to authorise the building of a toll bridge over the river Cape-Fear, at or near the place where a direct line from Fayetteville to the city of Raleigh would cross the same, and to incorporate a company for that purpose. The said bill was read the first time and passed, and, on motion of Mr. Matthews, referred to the committee on Internal Improvements.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the bill to provide for the removal of the shoal in the Tar river below the town of Washington, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is expedient to pass the same. The report was concurred in, and the bill read the first time and passed.

Mr. Moore, from the same committee, to whom was referred the resolution on the subject of appropriating a sum of money for completing the State road from Wilkesborough to the widow Bogle's, in Iredell county, reported that the committee, according to order, had the said resolution

under consideration, and instructed him to report a resolution appropriating the sum of two hundred dollars for said object. The said resolution was read the first time and passed.

Mr. Webb presented a bill to increase the tax on billiard tables. The said bill was read the first time and rejected.

Mr. Caldwell presented a bill respecting a Light Infantry Company in the town of Salisbury, commanded by Captain Samuel Lemley. The said bill was read the first time, passed, and, on motion of Mr. Caldwell, referred to the Military committee.

Mr. Gause presented the following resolution:

Whereas the General Assembly of North Carolina, A. D 1821, Chapter CXXX, did appoint commissioners to lay out the streets in the town of Fayetteville, and to establish the boundaries thereof, and the said commissioners, in the prosecution of their duty in laying off said streets, an error was obtained in spelling one of the inferior streets of said town, which instead of "Robinson street," should be "Robeson street;" and whereas plats of said town have been deposited in the offices of Secretary of State, the Clerk of the County Court of Cumberland county, and the Clerk of the town of Fayetteville;

Resolved, That the Secretary of State, the Clerk of the County Court of Cumberland county, and the Clerk of the town of Fayetteville, be, and they are hereby directed to correct the said error in the plan of the town of Fayetteville, deposited in their several offices, and instead of Robinson street, insert Robeson street.

The question to concur with the resolution passed in the affirmative.

On motion, ordered that Mr. Harper have leave of absence from the service of this House after this day until Saturday next.

The bill for the improvement of the navigation of Perquimons river above Newby's Bridge; also the bill to establish a poor house in the county of Burke, were read each the second time; and the questions shall the said bills pass? were determined in the affirmative.

The bill to alter the time of holding the Superior Courts of the counties of Davidson and Rowan, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to repeal the 10th section of an act directing the manner in which Clerks of the Superior Courts shall be appointed, passed in the year 1806, entitled "an act for the more convenient administration of justice within this State," reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same. The report was read and disagreed to, and the bill, on motion, was read the second time; and the question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the same committee, to whom was referred the bill to restore to credit Thomas Bennett, of Stokes county, reported that the committee, according to order, had the said bill under consideration, and instructed him to report it without amendment. The report was concurred in, and the bill read the first time and passed.

The bill making compensation to the jurors of the Superior and County Courts of Ashe county, was read the second time. The question shall the said bill pass? was determined in the affirmative.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Gideon B. Smith, praying to be divorced from his wife Eleanor, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill, in pursu-

ance to the prayer of the petition, to divorce Gideon B. Smith from his wife Eleanor, and to recommend its passage. The said bill was read the first time and passed.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to alter the mode of punishment for the crime of horse stealing, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is not expedient to increase the penalty for horse stealing, and to recommend the rejection of the said bill. The report was concurred in, and the bill read the first time and rejected.

Mr. Scott, from the same committee, to whom was referred the bill to restrain improper conversations with free negroes and mulattoes, on the subject of emancipation, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same. The report was concurred in, and the bill read and rejected.

Mr. Iredell, from the committee of Finance, to whom was referred the message of the Governor of the 28th November, with the accompanying papers, in relation to the expenses attending the reception of General La Fayette, reported that the committee had, according to order, had the vouchers of expenditures aforesaid under consideration, and instructed him to report that they found them correct. The question to concur with the report passed in the affirmative.

On motion of Mr. Swain,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of extending the power of the Governor of this State in issuing proclamations for the apprehension of fugitives from justice so as to embrace notorious offenders going at large within, as well as without the limits of the State.

On motion of Mr. Wm. Underwood,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the laws concerning attachments and garnishments, as to give to a Justice of the Peace power in all cases of debts coming within his jurisdiction, where the delinquent has not absconded or removed, as now provided for by law, but placed his property or money in the hands of another to defraud his creditor, to issue attachment in the usual form; and also a summons or summonses to compel the suspected person or persons to appear before him, and make oath and declare what property is in his hands belonging to said debtors, then to be subject to the usual course of procedure.

The resignations of W. Whitaker, Colonel of the the first regiment of the Wake county militia; Benjamin Herring, of Wayne county, and Nathaniel Souls, of Columbus county, Justices of the Peace, were read and accepted.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned,'" passed in the year 1792, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that the provisions of the said act ought to be extended, and to recommend the passage of the same, with several amendments. The report was concurred in; and the bill and amendments being read, Mr. Iredell moved that the House resolve itself into a committee of the Whole House on the said bill. The

House accordingly resolved itself into a committee of the Whole, Mr. Polk in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole had had the said bill under consideration, and instructed him to report the said bill with several amendments, and to recommend its passage. The report was concurred in, and the bill, as amended, read. Mr. Borden moved to amend the said bill, by striking out the second section, and moved that the question be decided by the yeas and nays, when the House, on motion, adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 9, 1825.

On motion, ordered that Mr. Crawford have leave of absence from the service of this House from this day until Monday next.

Mr. Miller, from the committee of claims, to whom was referred the resolution in favor of John Barnett, Sheriff of Person county, reported that the committee, according to order, had the said resolution under consideration, and instructed him to recommend that it be passed. The report was concurred in, and the resolution read the first time and passed.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Hiram Stewart, reported that the committee, according to order, had had the said petition under consideration, and instructed him to report that it is not expedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. Gary presented a bill to explain and amend an act, passed in the year 1819, chapter 1000, giving to the Courts of Pleas and Quarter Sessions power to regulate separate elections. Mr. Carson presented a bill to keep open, for the passage of fish, Main White Oak river, in the county of Rutherford. Mr. Cox presented a bill to regulate the time of closing the polls at the several elections in the county of Lenoir. The said bills were read, each for the first time; and the questions shall the said bills pass? were determined in the affirmative.

The bill to establish a poor house in the county of Burke; also the bill making compensation to the jurors of the Superior and County Courts of Ashe county; also the bill for the improvement of the navigation of Perquimons river above Newby's Bridge, were severally read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

The bill to divorce Gideon B. Smith from his wife Eleanor, was read the second time and passed.

Mr. Miller, from the committee of Claims, to whom was referred the resolution in favor of Dugald M'Farland; reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is reasonable, and to recommend that it be passed. The report was concurred in, and the resolution read, passed, and ordered to be enrolled.

Mr. Scott, from the Judiciary committee, to whom was referred the bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury is necessary, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report it with sever-

al amendments. The report was concurred in, and the bill read the second time and amended. The question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the same committee, to whom was referred the engrossed bill to amend an act for the better care of orphans, and security and management of their estates, reported that the committee, according to order, had considered the said bill, and instructed him to report it with several amendments, and recommend that it be passed into a law. The report was concurred in, and the bill, as amended, read the second time and passed.

Mr. Iredell presented a certificate of the County Court of Chowan, allowing Eleanor Truelove a pension of seventy-five dollars for the present year. Ordered that the said certificate be countersigned by the Speaker, and sent to the Senate.

Mr. Scott, from the Judiciary committee, to whom was referred the bill to prevent persons who have been, or may be appointed commissioners on the part of the State for any purposes, from becoming contractors, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the said bill with several amendments. The report was concurred in, and the bill, as amended, read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Williamson, from the committee on Divorce and Alimony, reported on the petitions of Jonathan Bryan, of the town of Wilmington, and Elizabeth Lemar, of Guilford county, unfavorably, recommending their rejection. The question to concur with the report passed in the affirmative.

On motion of Mr. W. W. Jones, ordered that Jonathan Bryan, of the town of Wilmington, have leave to withdraw from the files his petition and accompanying papers.

The House, according to the order of the day, resolved itself into a committee of the whole House, Mr. Shepperd in the Chair, on the bill more effectually to suppress the practice of treating in elections; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shepperd reported that the committee of the Whole had had again under consideration the said bill, and instructed him to report it to the House, and to recommend that it be passed into a law. The report was concurred in, and the bill read for its second reading. Mr. Stedman moved to amend the said bill, by adding the words *except at his own house*. The question thereon passed in the negative. Mr. Martin moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 47, nays 71. The yeas and nays called for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Adams, Alston, Best, Boon, Bonner, Bozman, Brooks, Brower, Burke, J. Carter, Clement, Daniel, Davenport, Donoho, Dunn, Durgan, Durrett, Glasgow, Hoover, Houze, W. W. Jones, N. Jones, Lewis, Martin, Murchison, Pickens, Poor, Pugh, Rand, Shepperd, Simmons, Simpson, Spruill, Stephens, Stedman, Tillett, W. Underwood, D. Underwood, W. Walton, Walker, Wasden, Whitaker, Whitehurst, Wilder, E. Williams, W. T. Williams, Wright—47 yeas.

Those who voted in the negative, are Messrs. Alford, Allen, Andrews, Ashe, Bain, Baker, Ball, Ballew, Barnard, Barnett, Bell, Blount, Bryan, Bynum, Caldwell, Carson,

Carter, Conrad, Cooper, Cox, Drake, Edmonston, Edwards, Elliott, Ellison, Foy, Gary, Gause, Gorham, Gordon, Hardy, Hartley, Herbert, Hill, Holland, Howell, Iredell, Joiner, Latham, Lassiter, Love, Marshall, Matthews, Melchor, Mewborn, Miller, Mhoon, A. Moore, G. Moore, M'Cauley, M'Millan, M'Nair, Polk, Raiford, Rascoe, Richardson, Scott, Skinner, J. Smith of Anson, J. N. Smith, Spurgen, Swain, Torrence, Unthank, Vann, J. Walton, Weaver, Webb, Webster, Williamson, Wilson—71 nays.

The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 10, 1825.

On motion, ordered that Mr. Brooks have leave to absent himself from the service of the House from this day until Monday next.

On motion of Mr. Foy,

Resolved, That the Judiciary committee be instructed to enquire whether it is not expedient to so amend the outlawry law in such manner as to make any slave absconding from his master or mistress's services, and arming him or themselves with fire arms, to be considered by proof thereof, to be legally outlawed; and report by bill or otherwise.

The bill granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a Jury is necessary, was read the third time and amended, and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate,

Mr. Melchor presented a bill to amend the first section of an act, passed in 1819, concerning the town of Concord. The said bill was read the first time and passed.

Mr. Scott, from the Judiciary committee, to whom was referred a resolution directing them to enquire into the propriety of amending the laws relative to the proving of deeds, bills of sale, mortgages, &c. reported that the committee had, according to order, considered the said resolution, and instructed him to report that it is not expedient to amend the laws in that respect. The question to concur with the report passed in the affirmative.

Mr. E. Williams presented the petition of William L. Hill, Colonel of the Onslow county militia, stating that a detachment of the militia of said county was ordered into service in the year 1821, to suppress an insurrection of the slaves, and praying that the detachment be paid for services rendered. Ordered that the said petition be referred to the committee of Claims.

Mr. Donoho, from the select committee to whom was referred the bill to fix the compensation hereafter to be given to the Public Printer in this State, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report it with an amendment, and to recommend its passage. The report was concurred in, and the bill, as amended, read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new Jail; a bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the Trustees thereof; a bill to legitimate Louiza Lodge, and William Adams, son of William Adams, of Edgecombe county; a bill to provide more

effectually for the poor of Tyrrell county; a bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; a bill to regulate the Tarborough Academy, and for other purposes; and a bill concerning company musters of Militia; in which they ask the concurrence of this House.

The bill to legitimate Louiza Lodge and Dolly Lodge, children of Josiah Lodge, and William Adams, son of William Adams, of Edgecombe county; also the bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the Trustees thereof; also the bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new Jail; and also the bill to alter the time of holding the Court of Pleas and Quarter Sessions in the county of Washington, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to divorce Gideon B. Smith from his wife Eleanor, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

The bill concerning company musters of Militia; also the bill to provide more effectually for the poor of Tyrrell county; also the bill to regulate the Tarborough Academy, and for other purposes, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Iredell, from the committee of Finance, to whom was referred the petition of certain purchasers of the Cherokee lands, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill to carry into effect the prayer thereof, for the relief of certain purchasers of the Cherokee lands, and to recommend its passage. The report was concurred in, and the bill read the first time and passed.

On motion, ordered that Mr. Greene, after to-morrow, have leave to absent himself from the service of the House until the end of the Session.

Mr. Borden presented a bill to authorise and direct the payment to the wardens of the poor in each county in the State the tax imposed on retailers of spiritous liquors; which was read the first time and passed.

Mr. Wright presented a bill to legitimate Duncan Melven and others, of the county of Bladen. The said bill was read the first time and rejected.

Mr. Iredell, from the committee on Finance, to whom was referred the resolution, in relation to the mode of issuing licenses hereafter to retailers of spiritous liquors, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report a bill on the subject, entitled "a bill to direct the manner in which licences shall be hereafter issued to retailers of spiritous liquors." The report was concurred in, and the bill reported, read the first time and passed.

The Speaker laid before the House the following Report:

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,—In obedience to the act of the General Assembly of 1824, entitled "an act respecting military land warrants," we set as a board of commissioners in this place during the time prescribed and limited, and passed upon all such claims for lands as were laid before us; and, in the execution of the trust or powers with which we were invested by the act above mentioned, we recommended to the Secre-

tary of State, or rather directed that officer to issue fourteen warrants, covering or amounting in the whole to thirteen thousand seven hundred and sixty six acres, (13,766.)

H. G. BURTON,
JOHN HAYWOOD,
JO. HAWKINS.

Raleigh, 9th December 1825.

Ordered that the said report be sent to the Senate.

The resignations of John Black, Col. Commandant of the first regiment of the Cumberland county militia; Gabriel Russell, of Randolph county; and Murdock Bain, of Robeson county, Justices of the Peace, were read and accepted.

The House resumed the consideration of the bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or, by violence and seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes,'" passed in the year 1792. The said bill was again read for its second reading, and the question shall the said bill pass? was determined in the affirmative—yeas 78, nays 35. The yeas and nays moved for by Mr. Mhoon.

Those who voted in the affirmative, are Messrs: Adams, Alford, Andrews, Ashe, Baker, Ball, Ballew, Barnard, Bell, Blount, Boon, Burke, Bynum, Caldwell, Carson, Conrad, Cooper, Cowan, Davenport, Dockery, Donoho, Edwards, Elliott, Foy, Gary, Gause, Glasgow, Gordon, Hardy, Hartley, Herbert, Holland, Howell, Houze, Iredell, Joiner, W. W. Jones, N. Jones, Latham, Matthews, Melchor, Mewborn, Miller, A. Moore, Murchison, M'Cauley, M'Millan, M'Nair, Pickens, Polk, Poor, Ra ford, Rand, Scott, L. H. Simmons, Simpson, Skinner, J. Smith of Davidson, Spruill, Spurgen, Stedman, Swain, Torrence, W. Underwood, D. Underwood, Unthank, Vann, J. Walton, W. Walton, Walker, Wasden, Weaver, Webb, Whitaker, Wilder, E. Williams, Wilson, Wright—78 yeas.

Those who voted in the negative, are Messrs. Allen, Bain, Barnett, Bateman, Best, Bonner, Borden, Bozman, Bryan, Burns, J. Carter, W. Carter, Clement, Cox, Durgan, Edmonston, Ellison, Gorham, Hoover, Lassiter, Martin, Marshall, Mhoon, G. Moore, Pugh, Rascoe, Shepperd, Simmons, J. Smith of Anson, J. N. Smith, Stephens, Tillett, Webster, Whitehurst, W. T. Williams—35 nays.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 12, 1825.

Mr. Stedman presented a bill concerning the election of Sheriffs. The said bill was read, and, on motion, ordered to be laid on the table.

Mr. Matthews presented the petition of Sherwood Fort, a soldier in the war of the revolution, praying for a pension. Ordered that the said petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Vann,

Resolved, That the committee on the Judiciary be instructed to inquire how far the securities to a Constable's bond are bound for notes, judgments, &c. received by that officer, and by him failed to be accounted for; and report by bill or otherwise.

Mr. Spurgen presented a bill to incorporate the Abbot's Creek Library Society, in the county of Davidson. The said bill was read the first time and passed.

On motion of Mr. Wilson,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the attachment laws, that it may be lawful for the Clerks of the several Courts to advertise two months only on all original or judicial attachments returnable before any Court, instead of three months, as now required by law.

On motion of Mr. Swain, ordered that the special committee, to whom was referred the petition of James Kirkendale and others, be discharged from the consideration thereof; and that the said petition be referred to the members in this House from the counties of Buncombe, Burke, Rutherford and Haywood.

Mr. Polk presented the petition of Jane Whitley, of Mecklenburg county, praying to be divorced from her husband Jonathan Whitley. Ordered that the said petition be referred to the committee on Divorce and Alimony.

Mr. Conrad presented a bill to point out the manner in which overseers of roads shall apply the monies received by them for fines, and for other purposes. The said bill was read the first time and passed, and, on motion, referred to the committee on the Judiciary.

The bill to regulate the time of closing the polls at the several elections in the county of Lenoir, was read the second time and passed. Ordered that the said bill be read the third time, and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill to amend the first section of an act, passed in 1819, concerning the town of Concord; also the bill to keep open, for the passage of fish, Main White Oak river, in the county of Rutherford; and the bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof, were respectively read the second time, and the questions shall the said bills pass? were determined in the affirmative.

The resignations of Henry Hoover, Lieutenant Colonel, and Joseph Smith, Major of the first regiment of the militia of Mecklenburg county; John Blue, of Richmond county, and Henry Hoover, of Mecklenburg county, Justices of the Peace, were read and accepted.

Mr. Scott presented the memorial of Archibald D. Murphey, stating his intention of publishing a history of the State, and asking the help and patronage of the Legislature. On motion, ordered that the said memorial be sent to the Senate, with a message, proposing to refer the same to a select joint committee; and informing that Messrs. Scott, A. Moore, Shepperd, Spruill and Pugh form the committee on the part of this House.

The House, according to the order of the day, resolved itself into a committee of the whole House, Mr. Polk in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report that they had made progress, but not having time to consider the whole, to ask leave to sit again. The question thereon passed in the affirmative.

On motion of Mr. Bain, ordered that Mr. Gales have permission to attend this House as Stenographer.

The House then adjourned until to morrow morning, 10 o'clock.

TUESDAY, DECEMBER 13, 1825.

Mr. Edwards presented the petition of William Hooker, for himself and Hymerick Hooker, securities of James Eastwood, former Sheriff of Greene county, stating that they had paid into the Treasury all the monies which the said Eastwood, as Sheriff, owed the State, and praying

that the fine imposed on the Sheriff for not accounting for the same within the period prescribed by law, be remitted. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Frances Womack, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is not expedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

On motion of Mr. Lewis, ordered that Frances Womack have leave to withdraw from the files the papers accompanying her petition.

On motion of Mr. Ashe,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of altering the present laws on the subject, so as to confine the Attorney General of this State, in practice as such, to the Supreme Court; and of appointing an additional Solicitor to attend the Superior Courts of the third circuit, for and on behalf of the State.

Mr. Matthews presented a bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear River. The said bill was read the first time and passed, and, on motion, referred to the committee on Internal Improvements.

A message from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond, with an amendment, and asking the concurrence of this House. The amendment was read and disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Ashe and New-Hanover counties;" and that they had passed the following engrossed bills, to wit: A bill to appoint commissioners to contract for the building of a new court house in the county of Wilkes, to fix the site for the same, and for other purposes; a bill to alter the place of holding one of the separate elections in Washington county; a bill to alter the time of the annual meeting of the General Assembly; a bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county; also a bill to make valid certain deeds registered in the county of Guilford; and a bill to alter the name of Dicey Cartwright, of Perquimons county; in which they ask the concurrence of this House.

A message from the Senate, informing that they had appointed a committee, consisting of Messrs. Seawell, Spaight of Craven, Forney, Davidson of Mecklenburg, and Hill of Franklin, to join the committee of this House, to consider the memorial of Archibald D. Murphey.

The certificate of the County Court of Craven, in favor of Eleanor Truelove, allowing her a pension of seventy five dollars, was returned from the Senate, countersigned by the Speaker of that House.

The bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county; also the bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her; also the bill to alter the place of holding one of the separate elections in Washington county; also the bill to alter the time of the annual meeting of the General Assembly; also the bill to appoint commissioners to con-

tract for the building of a new court-house in the county of Wilkes, to fix the site for the same, and for other purposes; and also the bill to make valid certain deeds registered in the county of Guilford, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. Williamson, ordered that a message be sent to the Senate, proposing to ballot on Friday next for a Council of State for the ensuing year; and informing that Peter Browne, Meshack Franklin, Gideon Alston, John M'Dowell of Rutherford, George W. Jeffreys, Thomas Manny, and William Blackledge are in nomination for the appointments.

The bill to amend the first section of an act, passed in 1819, concerning the town of Concord; also the bill to establish Pleasant Grove Academy, in the county of Edgecombe, and to incorporate the trustees thereof; and also the bill to keep open, for the passage of fish, Main White Oak river, in the county of Rutherford, were severally read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill to provide more effectually for the poor of Tyrrell county; also the bill to regulate the Tarborough Academy, and for other purposes; also the bill to incorporate the Abbott's Creek Library Society, of Davidson county; also the bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; and also the bill to appoint commissioners to contract for the building of a new court-house in the county of Wilkes, to fix the site for the same, and for other purposes, were respectively read the second time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. Baker,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law on the subject of bastardy, as to provide for and embrace the cases of married women, when abandoned by their husbands for a certain number of years, with leave to report by bill or otherwise.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to amend an act, passed in 1803, entitled "an act to incorporate the town of Trenton, in Jones county;" also a bill in addition to the several acts heretofore passed concerning the town of Trenton; and asking the concurrence of this House.

The bill to amend an act, passed in 1803, entitled "an act to incorporate the town of Trenton, in Jones county;" also the bill in addition to the several acts heretofore passed concerning the town of Trenton, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Clement presented the petition of David Craig, of Rowan county, praying to be authorised to erect two gates on a public road leading through his plantation. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill to divorce Judith De La Chapel from her husband Gabriel De La Chapel, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the propriety of so amend-

ing the laws of the State prescribing the duties of Sheriffs, as to enable the County Trutees and Wardens of the Poor to proceed by citation against the securities as well as the Sheriff or Sheriffs who may fail to account, &c. &c. reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that the same in that respect requires no amendment. The question to concur with the report, passed in the affirmative.

Mr. Scott, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law relative to guardians, as to remove any doubts as regards the extent of their liability after surrender of their trust to the Court from which they received it, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is inexpedient to make any alteration in the law in that respect. The question to concur with the report passed in the affirmative.

On motion, ordered that the bill to make valid certain deeds registered in the county of Guilford be referred to the committee on the Judiciary.

The bill to prevent protracted litigation by enlarging the jurisdiction of Justices of the Peace, was read the first time and passed. On motion of Mr. M'Cauley, ordered that the said bill be made the order of the day for Friday next, then to be considered in committee of the whole House.

On motion of Mr. Caldwell, ordered that the bill to establish a Bank on behalf of, and for the benefit of the State, be made the order of the day for to-morrow, then to be considered in committee of the whole House.

The bill to legitimate Louiza Lodge and Dolly Lodge, children of Josiah Lodge; and William Adams, son of William Adams, of Edgecombe county, was read the second time, and the question shall the said bill pass? was determined in the negative.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I have the honor herewith, to transmit the report of a committee directed by the last Legislature to prepare a plan or system of public education for the instruction of children of poor and indigent parentage.

I have the honor to be, gentlemen, your obedient servant,

H. C. BURTON.

December 13, 1825.

Ordered that the said message and report be sent to the Senate, and that the said report be printed, four copies for each member of the Assembly.

The Speaker laid before the House the following communication from the Public Treasurer:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I now do myself the honor to forward to you, herewith, the statement or expose of the affairs of the State Bank of North-Carolina, shewing its condition on the 22d ultimo.

This paper has been delayed much longer than was expected at the date of the Public Treasurer's annual report, in which it was mentioned, owing, as I understand, to the illness of one of the clerks of the Bank.

Much and respectfully, your obedient servant,

JOHN HAYWOOD, Pub. Treas.

Raleigh, 13th December, 1825.

Ordered that the said communication be sent to the Senate; and that the statement or expose be printed for the use of the members.

A message from the Senate, informing that they had passed the engrossed bill to cede to the United States a certain tract of land, called Bogue Banks, with an amendment and asking for the concurrence of this House. The said amendment was read and disagreed to, and the Senate informed thereof by message.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 14, 1825.

Mr. Brower presented a bill to make compensation to the jurors of the Superior and County Courts of Randolph county. The said bill was read the first time and passed.

Mr. J. Carter presented a bill to amend an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same. Ordered that the said bill be referred to the committee of Propositions and Grievances.

On motion of Mr. Stedman,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law as to more effectually to suppress the practice of slaves hiring their own time; and that they report by bill or otherwise.

Mr. Cowan presented the petition of sundry inhabitants of the town of Wilmington, praying for the repeal of the law relative to the appointment of a special magistrate for the town of Wilmington. Mr. Ashe presented the petition of Morgan Brown, of Montgomery county, in the State of Tennessee, stating that, as Lieutenant, he served two years and upward in the war of the revolution, and praying to be paid for his services. Ordered that these petitions be referred, the former to the committee of Propositions and Grievances, the latter to the committee of Claims.

On motion of Mr. Swain, ordered that Mr. Gorham, Mr. Drake and Mr. Wilcox be added to the committee on the expediency of establishing a Medical Board.

Mr. Scott presented the memorial of sundry inhabitants of the county of Orange, on the subject of Sunday schools. Ordered that the said memorial be referred to the committee on Education.

A message from the Senate, informing of the assent of that House to ballot for a Council of State for the ensuing year, as proposed by this House; and that they had passed the following engrossed bills, to wit: A bill to revive and continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same; also a bill to authorise Willis Lewis, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Clay's cross roads to Grassy Creek, and asking for the concurrence of this House.

The bill to revive and continue in force the provisions of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same; also the bill to authorise Willis Lewis, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Clay's

cross roads to Grassy Creek, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to alter the time of holding the Courts of Pleas and Quarter Sessions in the county of Washington; also the bill to regulate the Tarborough Academy, and for other purposes; and also the bill to provide more effectually for the poor of Tyrrell county, were read, respectively, the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

Mr. Bateman presented a bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck andrying Pan. Mr. Best presented a bill to establish Williams Academy, in the county of Duplin, and to incorporate the trustees thereof. The said bills were read the first time and passed.

The bill to incorporate the Abbot's Creek Library Society, in the county of Davidson, was read the third time; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Borden presented the petition of John H. Hill, Col. Commandant of Carteret county, praying that a detachment of the militia, ordered out to suppress an insurrection of the negroes, be paid for their services. Ordered that the said petition be referred to the committee of Claims.

Mr. Polk, from the committee of Propositions and Grievances, to whom were referred the petitions of Benjamin Jones, of Camden county, and Willis Alexander, of Wilkes county, reported that the committee, according to order, had considered the said petitions, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

The bill to appoint commissioners to contract for the building of a new Court House in the county of Wilkes, to fix the site for the same, and for other purposes, was read the third time and passed. Ordered that the said bill be enrolled.

On motion of Mr. W. W. Jones, ordered that the report of the committee of Propositions and Grievances on the letter of Lewis Gomez, of the town of Wilmington, be recommitted to the same committee.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire how far the securities to a Constable's bond are bound for notes, judgments, &c. received by that officer, and by him failed to be accounted for, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that the law in that respect is sufficiently comprehensive, and requires no amendment or alteration. The question to concur with the report passed in the affirmative.

The report of the committee on the Judiciary on the bill to repeal an act limiting the time within which judgments before a Justice of the Peace may be revived, was read, and, on the motion of Mr. Caldwell, ordered to lie on the table.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, Mr. Polk in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole had had the said bill under considera-

tion, and made progress; but not having time to consider the whole bill, they had instructed him to ask leave to sit again on the said bill. The question to concur with the report passed in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

—
THURSDAY, DECEMBER 15, 1825.

Mr. Love presented a resolution authorising and instructing the Secretary of State to issue to Absalom Hooper a deed for one hundred acres of land, purchased from the commissioners for the sale of the lands acquired by treaty with the Cherokee tribe of Indians. Ordered that the said resolution be referred to the committee of Claims.

Mr. Raiford presented a bill prescribing the time and places of electing the members of the General Assembly for the county of Wayne, members of Congress, and Electors to vote for President and Vice President of the United States; and to repeal part of an act, passed in the year 1824, prescribing the time and places of electing members to the General Assembly, members of Congress, and Electors to vote for President and Vice President of the United States. Mr. Caldwell presented a bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52, and for other purposes. The said bills were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the bill to point out the manner in which overseers of roads shall apply the monies received by them for fines, and for other purposes, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report that the said bill be rejected. The report was concurred in, and the bill read the second time, and, on motion, rejected.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to authorise a certain number of justices for the county of Edgecombe to appropriate the county monies; and a bill to provide for the better government of the town of Lincolnton; and asking the concurrence of this House.

The bill to provide for the better government of the town of Lincolnton; also the bill to authorise a certain number of the Justices of the Peace for the county of Edgecombe to appropriate the county monies, were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.

A message from the Senate, informing that they insist on their amendment made in the bill to repeal an act, passed in the year 1824, entitled "an act to regulate the patrol of Richmond county, and for other purposes," so far as relates to the county of Richmond. On motion, resolved that this House recede from their disagreement with the Senate in their amendment to said bill; and that the Senate be informed thereof by message.

A message from the Senate, informing that they recede from their amendment to the engrossed bill to cede to the United States a certain tract of land, called Bogue Banks; and that they agree to the amendment made by this House in the engrossed bill to authorise the County Court of Robeson to perfect title for land whereon to erect a new jail. On motion, ordered that the said bill be enrolled.

Mr. Raiford presented the petition of James Daniel, of Wayne county, stating that, as a volunteer soldier in the war of the revolution, he served in the State regiment; and praying to be paid for his services. Ordered that the said petition be referred to the committee of Claims.

Mr. Borden presented a bill to authorise the Court of Pleas and Quarter Sessions of Carteret county to appoint Special Justices of the Peace, and making compensation to such justices for certain services. The said bill was read the first time and passed.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Jane Whitley, of Mecklenburg county, praying for a divorce, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. Ordered that the report lie on the table.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Moses Kyser, of Montgomery county, reported that the committee had, according to order, the said petition under consideration, and instructed him to recommend that it be rejected. The question thereon passed in the affirmative.

The bill to amend an act, passed in 1803, entitled "an act to incorporate the town of Trenton, in Jones county;" also the bill in addition to the several acts heretofore passed concerning the town of Trenton, in Jones county, were read the second time. The questions shall the said bills pass? were determined in the affirmative.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following communication:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I have the honor, herewith, to transmit you the report of the Board of Internal Improvements.

With the greatest respect, your obedient servant,

H. G. BURTON.

Executive Department, }
15th Dec. 1825. }

On motion, ordered that the said communication be sent to the Senate, with a proposition that the report of the Board of Internal Improvements, and the reports of the Civil Engineer, accompanying, be printed, four copies for each member.

The bill more effectually to suppress the practice of treating in elections was read the third time. Mr. Rand moved to amend the bill, by adding an additional section, in the following words, to wit: "That no person shall ride or attend any public gathering for the purpose of electioneering." The question thereon passed in the negative. Mr. Durgan moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 55, nays 63. The yeas and nays moved for by Mr. Durgan.

Those who voted in the affirmative, are Messrs. Adams, Alston, Barnett, Bate-man, Best, Boon, Bonner, Brooks, Brower, Burke, Burns, Carter, Clement, Cooper, Cowan, Crawford, Daniel, Davenport, Dockery, Donoho, Dunn, Durgan, Edwards, Glasgow, Harper, Herbert, Hoover, Houze, W. W. Jones, N. Jones, Lewis, Martin, G. Moore, Murchison, Pickens, Poor, Pugh, Rand, Shepperd, Simpson, J. Smith of Davidson, Spruill, Stephens, Stedman, Tillett, W. Underwood, D. Underwood, W. Walton, Walker, Whitaker, Whitehurst, Wilder, Wilcox, E. Williams, Wright—55 yeas.

Those who voted in the negative, are Messrs. Alford, Allen, Andrews, Ashe, Bain, Baker, Ball, Ballew, Barnard, Bell, Blount, Borden, Bryan, Bynum, Caldwell, Carson, Carter, Conrad, Cox, Drake, Edmonston, Elliott, Ellison, Gary, Gause, Gorham, Gordon, Hartley, Hill, Holland, Howell, Iredell, Joiner, Latham, Lassiter, Love, Marshall, Melchor, Mewborn, Miller, Mhoon, A. Moore, M'Cauley, M'Millan, Polk, Raiford, Rascoe, Richardson, Simmons, Skinner, J. Smith of Anson, J. N. Smith, Spurgen, Swain, Torrence, Unthank, Vann, J. Walton, Weaver, Webb, Webster, Williamson, Wilson—63 nays.

The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative—yeas 65, nays 56. The yeas and nays moved for by Mr. Raiford.

Those who voted in the affirmative, are Messrs. Alford, Allen, Andrews, Ashe, Bain, Baker, Ball, Ballew, Barnard, Bell, Blount, Borden, Bryan, Bynum, Caldwell, Carson, Carter, Conrad, Cox, Drake, Edmonston, Elliott, Ellison, Gary, Gause, Gorham, Gordon, Hardy, Hartley, Hill, Holland, Herbert, Howell, Iredell, Joiner, Latham, Lassiter, Love, Marshall, Matthews, Melchor, Mewborn, Miller, Mhoon, M'Cauley, M'Millan, M'Nair, Polk, Raiford, Rascoe, Scott, Simmons, Skinner, Smith of Anson, J. N. Smith, Spurgen, Swain, Torrence, Unthank, J. Walton, Weaver, Webb, Webster, Williamson, Wilson—65 yeas.

Those who voted in the negative, are Messrs. Adams, Alston, Barnett, Bateman, Boon, Bonner, Bozman, Brooks, Brower, Burke, Burns, Carter, Clement, Cooper, Cowan, Daniel, Davenport, Dockery, Donoho, Dunn, Durgan, Durrett, Edwards, Glasgow, Harper, Hoover, Houze, W. W. Jones, N. Jones, Lewis, Martin, G. Moore, Murchison, Pickens, Poor, Pugh, Rand, Shepherd, Simpson, Smith of Davidson, Spruill, Stephens, Stedman, Tillett, W. Underwood, D. Underwood, Vann, W. Walton, Walker, Whitaker, Whitehurst, Wilder, Wilcox, E. Williams, W. T. Williams, Wright—56 nays.

Ordered that the said bill be engrossed and sent to the Senate.

The House resolved itself into a committee of the whole House, Mr. Polk in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole, according to order, had had the said bill again under consideration, and instructed him to report that the committee had made progress therein, and to ask leave to sit again on the said bill. The question thereon passed in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 16, 1825.

Mr. Love presented the petition of sundry citizens of Haywood county, on the subject of a certain public road passing through the said county. Ordered that the said petition be referred to the committee on Internal Improvements.

Mr. Burns presented a bill for the better regulation of the town of Beaufort. Mr. Smith presented a bill giving exclusive jurisdiction to the Superior Court of Anson of pleas and prosecutions of the State. Mr. Wm. Underwood presented a bill to amend an act, passed in 1817, establishing a flour ware-house in the town of Fayetteville. Mr. Alford presented a bill concerning the appointment and power of patrols in the county of Robeson. The said bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that Mr. Wright and Mr. Wilson wait on the Senate as a committee, on the part of this House, to conduct the balloting for a Council of State for

the ensuing year; and that the name of John Owen is added to the nomination.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the bill to authorise the building of a toll bridge over the Cape Fear River at or near the place where a direct line from Fayetteville to the city of Raleigh would cross the same, and to incorporate a company for that purpose, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the bill without amendment, and to recommend that it be passed into a law. The report was concurred in, and the bill read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of the State;'" also a bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovy Hassell and Sidney Hassell, children of said White, and to legitimate them; also a bill to secure to Sarah M'Cully, of Orange county, such property as she may hereafter acquire; and also a bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; and asking the concurrence of this House.

A message from the Senate, informing that Mr. Hill of Stokes and Mr. Legrand wait on this House, as a committee on their part, to conduct the balloting for the Counsellors of State for the ensuing year; and that the name of John Owen is added to the nomination.

A message from the Senate, informing of the assent of that House to the printing of the Report of the committee appointed by the last General Assembly to prepare a plan or system of public education, as proposed by this House.

The bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; also the bill to revive and continue in force for and during the time therein mentioned an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State,'" were read the first time, and the question shall the said bills pass? was determined in the affirmative.

The bill to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovy Hassell and Sidney Hassell, children of said White, and to legitimate them; also the bill to secure to Sarah M'Cully, of Orange county, such property as she may hereafter acquire, were read the first time, and, on motion, the former postponed indefinitely, and the latter rejected.

A message from the Senate, informing that they had passed the engrossed bill to regulate the time of closing the polls at the several elections in the county of Wayne, with several amendments, in which they asked the concurrence of this House. The amendments were read and concurred in, and the Senate informed thereof by message.

On motion of Mr. Boon,

Resolved, That the select committee on Divorce and Alimony be instructed to re-

port a bill extending the jurisdiction of the Superior Courts in cases of divorce and alimony, in such manner that the said Courts shall have jurisdiction in all cases where it is expedient for the General Assembly to interfere.

Mr. Bain presented the petition of Hugh and Eli Stewart, merchants of Mecklenburg county, praying to be released from the fine, for reasons stated in their petition, incurred in failing to list their store as the law directs. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Burns presented a bill to amend an act, passed in the year 1813, entitled "an act directing how persons injured by the erection of public mills shall in future proceed to recover damages;" and to amend the 10th section of an act, passed in 1777, directing the duty of millers. The said bill was read the first time and passed.

A message from the Senate, informing that, in pursuance of a joint rule of both Houses, they had appointed a committee of Enrolment, consisting of Mr. Spaight of Craven and Mr. Gilchrist.

On motion, resolved, that Messrs. Spruill, Caldwell, Allen and Lewis form the committee of Enrolment on the part of this House; and that the Senate be informed thereof by message.

A message from the Senate, proposing to raise a select joint committee on the Public Buildings; and informing that Messrs. Davidson of Mecklenburg, Speight of Greene, Hill of Franklin, Hogan and Whitfield form the committee on their part. The message was concurred in, and a committee, consisting of Messrs. Blount, Miller, Matthews, Whitaker and Skinner, appointed to join the committee appointed by the Senate, and the Senate informed thereof by message.

Mr. Miller, from the select committee to whom was referred the engrossed bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," reported that the committee, according to order, had had the said bill under consideration, and instructed him to report it with an amendment. The report was concurred in, and the bill, as amended, read the third time and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House to the amendment.

Mr. Cox presented a bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of the overseers of roads in this State, and for other purposes." The said bill was read the first time and passed.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, Mr. Polk in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Polk reported that the committee of the Whole, according to order, had had the said bill again under consideration, and instructed him to recommend that the first section of the said bill be stricken out. Mr. Iredell moved that the further consideration of the report and bill be postponed indefinitely, and called for the yeas and nays. The question thereon passed in the affirmative—yeas 73, nays 51.

Those who voted in the affirmative, are Messrs. Adams, Alford, Allen, Alston, Andrews, Best, Blount, Bonner, Borden, Bryan, Burns, Caldwell, Carson, Carter, Conrad, Cowan, Cox, Dockery, Donoho, Drake, Durrett, Edwards, Elliott, Ellison,

Gary, Gause, Glasgow, Gorham, Harper, Hartley, Herbert, Hill, Howell, Houze, Iredell, W. W. Jones, Lassiter, Lewis, Love, Matthews, Melchor, Miller, Mhoon, M'Cauley, M'Millan, Pickens, Polk, Pugh, Rand, Rascoe, Richardson, Scott, Sheperd, L. H. Simmons, J. N. Smith, Spruill, Spurgeon, Stephens, Swain, J. Walton, Wm. Walton, Walker, Weaver, Webb, Whitaker, Whitehurst, Wilder, Wilcox, E. Williams, W. T. Williams, Williamson, Wilson, Wright—73 yeas.

Those who voted in the negative, are Messrs. Ashe, Bain, Baker, Ball, Ballew, Barnard, Barnett, Bateman, Bell, Boon, Bozman, Brooks, Brower, Burke, Bynum, Carter, Clement, Cooper, Crawford, Daniel, Davenport, Dunn, Durgan, Edmonston, Gordon, Hardy, Holland, Hoover, Joiner, Latham, Martin, Marshall, Mewborn, G. Moore, Murchison, M'Nair, Poor, Raiford, Simpson, Skinner, Smith of Anson, Smith of Davidson, Stedman, Tillett, Torrence, W. Underwood, D. Underwood, Unthank, Vann, Wasden, Webster—51 nays.

On motion of Mr. Iredell, ordered that a message be sent to the Senate, proposing that Field Officers and Justices of the Peace be recommended on Monday next, at 3 o'clock in the evening.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 17, 1825.

Mr. Carson presented the petition of William L. Griffin, of Rutherford county, praying that the purchase money for twenty-five acres of land be repaid to him, as he cannot obtain a grant for the same. Ordered that the said petition be referred to the committee of Claims.

Mr. Bonner presented a bill to establish two separate elections in the county of Hyde. The said bill was read the first time and rejected.

Mr. Barnard presented a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for a piece of land, for the use and benefit of the county of Currituck." Mr. Wright presented a bill to amend an act to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimans, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen to appoint a committee of Finance," passed in the year 1822, so far as relates to the county of Bladen. The said bills were read the first time and passed.

Mr. Wilson, from the committee appointed to conduct the balloting for Counsellors of State for the ensuing year, reported that the committee, according to order, had performed the duty assigned to them; and that it appeared, on examining the ballots, John Owen, George W. Jeffreys, Meshack Franklin, Gideon Alston, John M'Dowell of Rutherford, William Blackledge and Thomas Manny had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

Mr. A. Moore, from the committee on Internal Improvements, to whom was referred the bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear River, made a report, which was read, and, on motion of Mr. Moore, recommitted, with the bill, to the same committee.

Mr. Polk presented a bill to divorce Robert Bingham, of the county of Mecklenburg, from Mary his wife. The said bill was read the first time and passed.

The resignation of Thomas Marshall, Major of the Carteret county militia, was read and accepted.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following message:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I have the honor, herewith, to transmit you a communication from the Executive of Virginia, in relation to the Dismal Swamp Canal Company.

With the highest respect, your obedient servant,

H. G. BURTON.

Executive Department, }
17th Dec. 1825. }

On motion, ordered that the said message and the accompanying papers be referred to the committee in Internal Improvements.

Mr. Scott, from the select joint committee, to whom was referred the resolution to inquire into the propriety of establishing a Medical Board for the State, reported that the committee, according to order, had considered the said resolution, and instructed him to report a bill "to establish a Medical Society, and to regulate the practice of physic and surgery in this State," and recommend that it be passed into a law. The report was concurred in, and the bill recommended read the first time, and the question shall the said bill pass? was determined in the affirmative. On motion of Mr. A. Moore, ordered that the report and bill be printed, four copies of the report, and one copy of the bill, for each member of the Assembly; and that the bill be made the order of the day for Wednesday next, then to be considered in a committee of the whole House.

A message from the Senate, informing that they consent that the report of Internal Improvement be printed, as proposed by this House, with an amendment; that is, the printing be done under the direction of the Board of Internal Improvement. The proposed amendment was concurred in, and the Senate informed thereof by message.

Mr. Blount presented a bill to authorise the Court of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance. Mr. Bateman presented a bill respecting the Courts of Pleas and Quarter Sessions of the county of Tyrrell. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to amend an act, entitled "an act to amend an act, entitled 'an act to prevent the stealing of slaves, or, by violence and seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned,'" passed in the year 1792, was read the third time. Mr. Shepperd moved that the said bill be postponed indefinitely, and called for the yeas and nays. The question thereon passed in the negative—yeas 40, nays 69.

Those who voted in the affirmative, are Messrs. Ashe, Baio, Ballew, Barnett, Bateman, Boon, Bonner, Borden, Bryan, Burns, Caldwell, Carter, Clement, Davenport, Edmonston, Ellison, Glasgow, Gordon, Hartley, Holland, Hoover, Joiner, Lassiter, Love, Marshall, Poor, Pugh, Richardson, Shepperd, Simpson, J. Smith of Anson, J. N. Smith, Stephens, Tillet, B. Underwood, Umhank, Webb, Webster, Whitehurst, Wilder—40 yeas.

Those who voted in the negative, are Messrs. Adams, Alford, Allen, Andrews, Baker, Ball, Barnard, Bell, Best, Blount, Brooks, Burke, Bynum, Carson, Carter, Conrad, Cooper, Cowan, Cox, Crawford, Dockery, Donoho, Drake, Edwards, Elliott, Foy, Gary, Gause, Hardy, Harper, Howell, Houze, Iredell, W. W. Jones, N. Jones, Latham, Matthews, Mewborn, Miller, Mhoon, A. Moore, Marchison, McCauley, M. Millan, Pickens, P. K. Relford, Rand, Rascoe, Scott, L. H. Simmons, L. R. Simmons, Skinner, J. Smith of Davidson, Spruill, Spurgin, Steedman, Torrence, W. Underwood, Yarr, J. Walton, W. Walton, Walker, Wasden, Whitaker, Wilcox, E. Williams, Wilson, Wright—69 nays.

The said bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until Monday morning next, 10 o'clock.

—
MONDAY, DECEMBER 19, 1825.

On motion of Mr. Batemen, ordered that the bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan, be referred to the committee on Internal Improvements.

A message from the Senate, informing that they had passed a bill to legitimate Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county, and to change their names; a bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity; a bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes; a bill directing the manner in which dowers shall hereafter be laid off; and a bill concerning the town of Oxford; and asking the concurrence of this House.

A message from the Senate, informing that they accede to the amendment made by this House in the engrossed bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe;" also agreeing to the proposition of this House to recommend Field Officers and Justices of the Peace at 8 o'clock, this evening.

Ordered that the bill to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe," be engrossed and sent to the Senate.

Mr. Wilson presented a bill for the relief of Peter Dowell, late Sheriff of Wilkes. Mr. Pugh presented a bill to repeal an act, passed in the year 1822, entitled "an act to exempt certain citizens of Hyde county from public duty." These bills were each read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill concerning the town of Oxford; also the bill to legitimate Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county, and to change their names; and also the bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity; also the bill to designate what persons shall hereafter be liable to serve as overseers, and for other purposes. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill directing the manner in which dowers shall hereafter be laid off was read the first time and passed. On motion, ordered that the said bill be referred to the committee on the Judiciary.

Mr. Miller, from the committee of Claims, to whom was referred the memorial of William Boylan and others, reported that the committee had, according to order, considered the said memorial, and instructed him to report a detailed account of the circumstances, and to ask to be discharged from the further consideration of said memorial. The question to concur with the report passed in the affirmative.

On motion of Mr. Wm. W. Jones,

Resolved, That the Public Treasurer be authorised to pay to William Boylan, and

the rest of the heirs of Benjamin McCulloch, the sum of thirteen hundred and sixty-seven dollars and sixty-seven cents; and that he be allowed the same in the settlement of his public accounts.

The said resolution was read the first time and passed.

Mr. Polk, from the committee of Propositions and Grievances, to whom was recommended the letter of Lewis Gomez, of the Town of Wilmington, to William W. Jones, one of the members of this House, reported that the committee, according to order, had considered the said letter, and instructed him to report a resolution to carry into effect the prayer of the said letter, and to recommend its passage. The said report was concurred in, and the resolution read and passed.

A message from the Senate, informing that they had passed a bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes; and a bill for the better government of the town of Wadesborough, in Anson county; and asking the concurrence of this House.

Mr. Crawford presented a bill making compensation to the Jurors for the county of Moore. Mr. Cooper presented a bill to establish a poor house in the county of Martin. The said bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the petition of Morgan Brown, reported that the committee, according to order, had considered the said petition, and instructed him to report that the said petition be rejected. The question thereon passed in the affirmative.

Mr. Iredell presented a statement of the Cape Fear Navigation Company. Ordered that the said statement be referred to the committee on Internal Improvements; and that it be printed together with the report of the Cape Fear Navigation Company, in connection with the report of the Board of Internal Improvements, ordered to be printed heretofore.

Mr. Iredell presented a bill to repeal an act, passed in the year 1823, entitled "an act concerning the duty of Ferry-men across the Albermarle Sound, and its waters;" Mr. Barnett presented a bill to divide the regiment of Militia in Rockingham county; Mr. D. Underwood presented a bill directing the manner in which Constables shall be hereafter appointed in the county of Sampson; Mr. Tillett presented a bill to authorise the Executor of Isaac Lamb, late Sheriff of Camden county, to collect arrears of taxes; Mr. Spruill presented a bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes; and Mr. Hartley presented a bill to appoint commissioners to lay off a road from John Harden's to Ashe Court House, and for other purposes. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill for the better government of the town of Wadesborough, in Anson county; also the bill to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes, were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

A message from the Senate, informing that they had rejected the engrossed bill more effectually to suppress the practice of treating in elections.

Mr. Matthews presented the memorial of the Cape Fear Navigation Company, praying for the continuation of the Board of Internal Improvements and a Civil Engineer. Mr. Bateman presented the petition of Ebenezer Pettigrew, praying that the works effected by him in improving the navigation between South Fork Creek and Scuppernong river, be protected and secured to him by act. Mr. Gordon presented the petition of sundry citizens of Wilkes county, praying that Commissioners be appointed, and authorised to open a direct road to the town of Fayetteville. These petitions were read, the former ordered to be referred to the committee on Internal Improvements, the latter to the committee of Propositions and Grievances.

Mr. M^rNair presented a bill to amend the several acts of the General Assembly on the manner of issuing marriage licenses, and for other purposes. The said bill was read, and, on motion, ordered to be referred to the committee on the Judiciary.

Mr. Swain presented the petition of sundry citizens of the counties of Buncombe and Burke, praying for the erection of a new county. On motion of Mr. Swain, ordered that the said petition be referred to Messrs. Swain, Caldwell, Iredell, A. Moore and Poor.

Mr. Miller, from the committee of Claims, to whom was referred the resolution directing the Secretary of State to issue a grant to Joseph Whitson, of the county of Buncombe, for one hundred acres of land, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it be agreed to. The question to concur with the report passed in the affirmative.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Joseph Welsh, of Haywood county, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

On motion of Mr. Drake,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending an act, passed in the year 1819, entitled "an act to prevent fraudulent trading with slaves, so far as to prevent slaves from selling cotton to any person, except their owners or other person having the management of said slave.

On motion of Mr. Wilson,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the attachment laws, that it may be lawful for the Clerks of the several Courts to advertise two months only, on all original or judicial attachments returnable before any Court, instead of three months, as is now required by law.

The bill to authorise and direct the payment to the wardens of the poor in each county in the State the tax imposed on retailers of spiritous liquors, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The bill to amend an act, passed in the year 1823, entitled "an act to incorporate the town of Trenton, in Jones county," was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed.

Mr. Scott, from the Judiciary committee, to whom the resolution was

referred directing them to inquire into the expediency of so amending the attachment laws, that it may be lawful for the Clerks of the several Courts to advertise two months only, on all original or judicial attachments returnable before any Court, instead of three, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report a bill in conformity with the said resolution, to amend the 6th section of an act, entitled "an act to amend such parts of the act, entitled 'an act for establishing Courts of Law, and for regulating the proceedings therein, as may relate to proceedings on attachments.'" The report was concurred in, and the bill reported read the first time and passed.

The bill to authorise the building of a toll bridge on the river Cape Fear, at or near the place where a direct line from Fayetteville to the city of Raleigh would cross the same, and to incorporate a company for that purpose, was read the third time and amended, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until 3 o'clock, P. M.

The resignations of James Brantley, Major of the Chatham regiment of militia, and David Singletary, Justice of the Peace for the county of Bladen, were read and accepted.

Received from his Excellency the Governor, by his Private Secretary, Mr. Campbell, the following message:

To the Honorable the General Assembly of the State of North-Carolina.

GENTLEMEN,—I have the honor, herewith, to transmit you several resignations received since the commencement of the session.

Also an account current of the expenditure made for the education of James Forsyth, under the provision of a previous resolution of the General Assembly.

Having located him at the Military Academy at West Point, I am doubtful as to the propriety of making further draughts from the Public Treasury for his benefit, without an express sanction of your enlightened body; and, therefore, respectfully submit to your consideration whether the Governor, as guardian ex officio, should not be permitted to receive the accustomed annual stipends for his use, until he has finished his education.

With the highest respect, your obedient servant,

H. G. BURTON.

Executive Department, December 19, 1825.

On motion, ordered that the said message be sent to the Senate, with a proposition that so much thereof as relates to James Forsyth be referred to a select joint committee; and, on the part of this House, to Messrs. A. Moore, Martin, Ashe, Webb and Pickens.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 20, 1825.

On motion, ordered that Thos. G. Polk, David L. Swain, James Weaver and Robert H. Cowan, after Saturday next, and Davis Durrett, after to-morrow, have leave of absence from the service of this House, until the end of the session.

Mr. Unthank, who voted in the majority on the recommendation for a Major of the militia of Mecklenburg county, moved that the House reconsider the said recommendation. The question thereon passed in the negative.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the town of Wilmington, reported that the committee, according to order, had considered the said petition, and instructed him to report a bill to carry into effect the prayer of the petition, entitled "a bill to repeal an act, passed in the year 1818, entitled 'an act to elect a Magistrate for the town of Wilmington, and for other purposes.'" The said bill was read, and, on motion of Mr. Cowan, ordered to lie on the table.

Mr. Wm. Underwood presented the petition of Thos. H. Scarborough, of Chatham, praying, for reasons stated in his petition, to be permitted to peddle goods free from tax. Ordered that the said petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Matthews, ordered that a message be sent to the Senate, proposing to ballot immediately for Major Commandant of the Fayetteville Corps of Artillery, and informing that Jesse Birdsall is nominated for the appointment.

Mr. Scott, from the select committee to whom the memorial of Archibald D. Murphey was referred, reported that the committee, according to order, had the said memorial under consideration, and instructed him to report a bill in pursuance to the prayer of the memorial, entitled "a bill to encourage the publication of a historical and scientific work on this State." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing of the assent of that House to the printing of the statement of the Cape Fear Navigation Company, as proposed by this House; and that they had passed a bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull Creek, in said county, into districts, for the purpose of being worked on and rendered navigable; also a bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes; also a bill to prevent the falling of timber in, or obstructing the run of Brown Creek, in Anson county; and a resolution relative to John Duckworth; in which they ask the concurrence of this House.

On motion of Mr. Iredell,

Resolved, That the committee of Finance cause to be burnt, under their superintendence, all the Treasury notes now in the Treasury which are unfit for circulation.

On motion of Mr. Lassiter,

Resolved, That the Public Treasurer of this State be authorised and requested to sell the old Bell, belonging to the State, and the money arising from the sale thereof to be accounted for by him as other public monies.

Mr. W. Underwood presented a bill for the better regulation of the town of Pittsburgh, in Chatham county, and to incorporate the same. Mr. Foy presented a bill to incorporate La Fayette Lodge, in Onslow county. Mr. Caldwell presented a bill to incorporate the North Carolina Gold Mine Company. These bills were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county; also the bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes; also the bill authorising the Court of

Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull creek, in said county, into Districts, for the purpose of being worked on and rendered navigable, were severally read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The resolution in favor of John Duckworth, placing him on the pension list, and allowing him yearly, during his life, seventy-five dollars, was read the first time and passed.

Mr. Iredell, from the joint select committee on the Public Library, reported that, in consequence of a difference of opinion existing between the Comptroller and the committee as to the construction of one of the resolutions heretofore passed in relation to the Public Library, the committee had instructed him to report a resolution, and to recommend its adoption, in the following words, to wit:

Resolved, That it is the true intent and meaning of the resolution, passed by the General Assembly in the year 1821, in relation to the Public Library, that the sum of five hundred dollars should thereafter be annually appropriated for the increase of the Library.

The said resolution was read and agreed to.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Sherwood Fort, reported that the committee, according to order, had considered the said petition, and deem it reasonable, and instructed him to report a resolution, and to recommend its adoption, allowing the said Sherwood Fort the sum of twenty-five dollars. The said resolution was read the first time and passed.

Mr. Polk, from the same committee, to whom was referred the petition of David Craig, of Rowan county, reported that the committee, according to order, had had the said petition under consideration, and deem it reasonable, and instructed him to report a bill, in pursuance to the prayer thereof, to authorise David Craig, of the county of Rowan, to erect two gates on the public road leading to the South Yadkin river, and to recommend its passage. The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the petition of John H. Hill, Col. Commandant of the militia of Carteret county, reported that the committee had, according to order, considered the said petition, and deem it just and reasonable, and instructed him to report a resolution in favor of said petitioner, allowing him two hundred dollars, for the purpose of paying a detachment of the militia ordered out to suppress an insurrection of negroes in said county. The question to concur with the said resolution passed in the negative.

Mr. Raiford presented a bill to alter the names of the persons therein mentioned, and to legitimate them. The said bill was read the first time, and, on motion, rejected.

On motion of Mr. Pugh, ordered that the recommendation for Justices of the Peace for the county of Hyde, presented by Mr. Bonner, one of the members of said county, lie on the table.

The resignations of Green B. Babb, Major of the first regiment of militia in Guilford county; Samuel Smith, of Columbus county, and W. Reaves, of Wake county, Justices of the Peace, were read and accepted.

A message from the Senate, consenting to ballot for Major Commandant

of the Fayetteville Corps of Artillery, and informing that Mr. Bethune and Mr. Hill of Stokes form the committee on their part to conduct the balloting. On motion, ordered that the Senate be informed by message that Messrs. Allen and J. N. Smith form the committee on the part of this House to conduct the balloting.

The bill for the relief of certain purchasers of the Cherokee lands, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to prevent protracted litigation by enlarging the jurisdiction of Justices of the Peace, Mr. Shepperd in the Chair; and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Shepperd reported that the committee had, according to order, had the said bill under consideration, and made some progress. Ordered that the committee of the whole House have leave to sit again on said bill.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 21, 1825.

Mr. J. N. Smith, from the committee appointed to conduct the balloting for Major of the Fayetteville Corps of Artillery, reported that the committee had performed that duty; and that, on examining the ballots, it appeared Jesse Birdsall had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

On motion, ordered that Mr. Borden have leave of absence from this House after this day, until the end of the session.

Mr. Bell presented a bill to repeal part of an act, passed in the year 1820, entitled "an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes." Mr. Daniel presented a bill to allow commissions to Constables in the county of Halifax. Mr. Richardson presented a bill to alter the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables in said county. The said bills were read the first time, and the questions shall the said bills pass? were determined in the affirmative.

The resignation of Benjamin Neville, sen. Justice of the Peace for Halifax county, was read and accepted.

A message from the Senate, informing of the assent of that House to the amendment made in the bill in addition to the several acts heretofore passed concerning the town of Trenton, in Jones county. Ordered that the said bill be enrolled.

A message from the Senate, proposing to ballot immediately for a Col. of Cavalry of the 2d brigade and 8th division, and informing that Shadrack P. Allen is nominated for the appointment. The message was concurred in, and the Senate informed that Mr. Gorham and Mr. Rascoe form the committee to conduct the balloting on the part of this House.

A message from the Senate, informing that Mr. Spaight of Craven and Mr. Speight of Greene form the committee on their part to conduct the balloting for Col. of Cavalry of the 2d brigade and 8th division.

A message from the Senate, informing that they had passed a bill to divorce Susanna Tindel, of the county of Haywood, from her husband James

Tindell; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susanna Sharpe from her husband Thomas Sharpe; also a resolution respecting Cherokee lands; in which they ask the concurrence of this House.

Mr Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of altering the present laws on the subject, so as to confine the Attorney General of this State to the Supreme Court, reported that the committee had, according to order considered the said resolution, and instructed him to report a bill in pursuance to the object of the said resolution, and to recommend its passage. The said bill, entitled "a bill to prescribe the duties of the Attorney General, and to appoint a Solicitor for the third judicial circuit," was read the first time and passed.

The bill concerning the election of Sheriffs, was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The resolution in favor of George W. Lumsden, was read the second and third times, and the questions shall the said resolution pass? were determined in the affirmative.

Received from the Senate, the following resolution:

Resolved by the Senate and House of Commons, That no bill of a private character shall be presented in either House after the 24th of this month.

The said resolution was concurred with.

O motion of Mr Bain,

Resolved, That the Judiciary committee be instructed to inquire into the propriety and expediency of so explaining and amending the act of 1799, relative to descents of real estate given by a parent to natural born children, either by deed of gift or otherwise, so that in case such natural born child or children die intestate, the real estate so given shall return to the legal heirs of such parent; and that they report by bill or otherwise.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law concerning the trial of slaves, reported that the committee had, according to order, the said resolution under consideration, and instructed him to report a bill on the subject, entitled "a bill to amend an act, passed in the year 1816, entitled 'an act to amend the laws in force, respecting the trial of slaves in capital cases, and to extend the provisions thereof to the trial of slaves in certain cases.'" The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Received from the Senate, a resolution, instructing the Senators of this State in the Congress of the United States, and requesting the Representatives to make application to Congress for an appropriation of money to extinguish the Indian titles to land, situated in this State. The said resolution was read and agreed to.

Mr. Gorham, from the committee appointed to superintend the balloting for Col. of Cavalry in the 2d brigade of the 8th division of the militia, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared Shadrack P. Allen had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

Mr. Andrews presented a bill supplemental to an act, passed at the

present session of the General Assembly, entitled, "an act to extend the provisions of an act, passed in the year 1824, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,' to the county of Rowan." The said bill was read the first time and passed.

Mr. Webb presented the following resolution:

Resolved, That the committee of Finance be instructed to inquire into the policy and expediency of providing by law for the appointment of a suitable number of assessors in each and every county in this State, to assess the land and town property subject to taxation, so as to affix a more uniform and equal valuation on the same; and that they report by bill or otherwise.

The question to concur with the resolution passed in the negative.

The bill to alter the place of holding one of the separate elections in Washington county, was read the second time, and the question shall the said bill pass? was determined in the negative.

The bill to divorce Susanna Tindell of the county of Haywood, from her husband James Tindell; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susanna Sharp from her husband Thomas Sharp, was read the first time, and, on motion, postponed indefinitely.

Mr. Rand presented the petition of William Mooncham, praying to be divorced from his wife Mary Mooncham. Mr. Edmonston presented the petition of several citizens of Haywood, praying for the laying out a road described in their petition. Which were each read, and the former postponed indefinitely, the latter rejected.

A message from the Senate, consenting to refer that part of the message of his Excellency the Governor, which relates to James Forsyth, to a select joint committee; and informing that Messrs. Gilchrist, Sneed, Vanhook, Pool and Davidson of Iredell form the committee on their part.

On motion of Mr. Borden, ordered that he have leave to withdraw from the files the petition of John Hill, and the accompanying documents.

The bill to repeal the 10th section of an act, directing the manner in which Clerks of the Superior Courts shall be appointed, passed in the year 1806, entitled "an act for the more uniform and convenient administration of justice within this State," was read the third time and amended. Mr. Miller moved that the further consideration of the said bill be postponed indefinitely. The question shall the said bill be indefinitely postponed? passed in the negative—yeas 42, nays 76. The yeas and nays moved for by Mr. Bain.

Those who voted in the affirmative, are Messrs. Ashe, Barnett, Blount, Bozman, Bryan, Caldwell, Carson, Cowan Cox, Davenport, Donoho, Drake, Dunn, Durgan, Edwards, Elliott, Ellison, Gause, Glasgow, Gorham, Harper, Hartley, Iredell, W. W. Jones, Lewis, Matthews, Melchor, Miller, A. Moore, Murchison, M'Millan, Picot, Polk, Shepperd, Skinner, Spruill, Swain, Wm. Walton, Webb, E. Williams, Wilson, Wright—42 yeas.

Those who voted in the negative, are Messrs. Adams, Alford, Andrews, Bair, Baker, Ball, Ballew, Barnard, Bateman, Bell, Best, Boon, Bonner, Barden, Brooks, Brower, Burke, Burns, Bynum, J. Carter, W. Carter, Clement, Conrad, Cooper, Crawford, Daniel, Edmonston, Gay, Gary, Gordon, Hardy, Hill, Holland, Hoover, Howell, Houze, Joiner, N Jones, Lamb, Latham, Lassiter, Love, Marshall, Mewborn, Mhoon, G. Moore,

M'Nair, Poor, Pugh, Raiford, Rand, Rascoe, Richardson, L. H. Simmons, F. L. Simpson, L. R. Simmons, Smith of Anson, Smith of Davidson, J. N. Smith, Spurgen, Stephens, Stedman, Tillett, Torrence, W. Underwood, D. Underwood, Unthank, Vann, J. Walton, Walker, Wasden, Weaver, Webster, Whitaker, Whitehurst, Wilder—76 yeas.

The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative—yeas 60, nays 56. The yeas and nays moved for by Mr. Hoover.

Those who voted in the affirmative, are Messrs. Alford, Bain, Ball, Ballew, Barnard, Bell, Best, Boon, Brooks, Brower, Burke, Burns, Bynum, J. Carter, W. Carter, Conrad, Cooper, Crawford, Daniel, Edmonston, Gary, Gordon, Hardy, Holland, Hoover, Howell, Houze, Joiner, N. Jones, Latham, Lassiter, Love, Martin, Marshall, Mewborn, Mhoon, Poor, Pugh, Raiford, Rand, Rascoe, L. R. Simmons, Simpson, Smith of Anson, Smith of Davidson, Spurgen, Stephens, Stedman, Tillett, Torrence, W. Underwood, D. Underwood, Unthank, J. Walton, Walker, Wasden, Weaver, Webster, Whitaker, Wilder—60 yeas.

Those who voted in the negative, are Messrs. Allen, Andrews, Ashe, Baker, Barnett, Bateman, Blount, Bonner, Bryan, Caldwell, Carson, Cowan, Cox, Davenport, Dockery, Donoho, Drake, Durgan, Edwards, Elliott, Ellison, Foy, Gause, Glasgow, Gorham, Harper, Hartley, Iredell, Lewis, Matthews, Melchor, Miller, A. Moore, G. Moore, Murchison, M'Cauley, M'Millan, M'Nair, Pickens, Picot, Polk, Richardson, Shepperd, L. H. Simmons, Skinner, J. N. Smith, Spruill, Swain, Vann, W. Walton, Webb, Whitehurst, E. Williams, Williamson, Wilson, Wright—56 nays.

On motion, ordered that the said bill be engrossed and sent to the Senate.

The bill to repeal an act, passed in the year 1819, entitled "an act to create a fund for Internal Improvements, and to establish a Board for the management thereof," was read the second time. On motion of Mr. Donoho, the House resolved itself into a committee of the Whole on the said bill, Mr. Love in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Love reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same, and that it be rejected. The question to concur with the report passed in the affirmative—yeas 73, nays 51. The yeas and nays called for by Mr. D. Underwood.

Those who voted in the affirmative, are Messrs. Alford, Allen, Andrews, Ashe, Baker, Ballew, Barnett, Bateman, Best, Blount, Borden, Bozman, Bryan, Burns, Bynum, Caldwell, Carson, W. Carter, Clement, Conrad, Cowan, Davenport, Dockery, Donoho, Dunn, Edmonston, Edwards, Elliott, Ellison, Foy, Gary, Gause, Glasgow, Gorham, Gordon, Hartley, Hill, Holland, Howell, Iredell, W. W. Jones, N. Jones, Lewis, Love, Martin, Matthews, Melchor, Miller, A. Moore, Murchison, M'Cauley, M'Millan, M'Nair, Pickens, Picot, Polk, Poor, Richardson, Scott, Shepperd, L. H. Simmons, Simpson, J. N. Smith, Spruill, Swain, Torrence, W. Walton, Weaver, Webb, Whitehurst, E. Williams, Wilson, Wright—73 yeas.

Those who voted in the negative, are Messrs. Adams, Alston, Ball, Barnard, Bell, Boon, Bonner, Brooks, Brower, Burke, J. Carter, Cooper, Cox, Crawford, Daniel, Drake, Durgan, Hardy, Harper, Hoover, Houze, Joiner, Latham, Lassiter, Marshall, Mewborn, Mhoon, Pugh, Raiford, Rand, Rascoe, L. R. Simmons, Skinner, Smith of Anson, Smith of Davidson, Spurgen, Stephens, Stedman, Tillett, W. Underwood,

D. Underwood, Unthank, Vann, J. Walton, Walker, Wasden, Webster, Whitaker, Wilder, Wilcox, W. T. Williams—51 nays.

Mr. Donoho moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 71, nays 51. The yeas and nays called for by Mr. Raiford.

Those who voted in the affirmative, are Messrs. Alford, Allen, Andrews, Ashe, Bain, Baker, Ballew, Barnett, Bateman, Blount, Borden, Bozman, Bryan, Burns, Bynum, Caldwell, Carson, Carter, Clement, Conrad, Cowan, Davenport, Dockery, Donoho, Dunn, Edmonston, Edwards, Elliott, Ellison, Foy, Gary, Gause, Glasgow, Gordon, Hartley, Hill, Holland, Howell, Iredell, W. W. Jones, N. Jones, Lewis, Love, Martin, Matthews, Melchor, Miller, A. Moore, Murchison, M'Caulley, M'Millan, M'Nair, Pickens, Picot, Polk, Poor, Richardson, Scott, Shepperd, L. H. Simmons, Simpson, J. N. Smith, Spruill, Swain, Torrence, Weaver, Webb, Whitehurst, E. Williams, Wilson, Wright—71 yeas.

Those who voted in the negative, are Messrs. Adams, Alston, Ball, Barnard, Bell, Boon, Bonner, Brooks, Brower, Burke, Carter, Cooper, Cox, Crawford, Drake, Durgan, Hardy, Harper, Hoover, Houze, Joiner, Latham, Lassiter, Marshall, Mewborn, Mhoon, Pugh, Raiford, Rand, Rascoe, L. Simmons, Skinner, Smith of Anson, Smith of Davidson, Spurgen, Stephens, Stedman, Tillett, W. Underwood, D. Underwood, Unthank, Vann, J. Walton, W. Walton, Walker, Wasden, Webster, Whitaker, Wilder, Wilcox, W. T. Williams—51 nays.

The bill in addition to the several acts heretofore passed, concerning the town of Trenton, in Jones county, was read the third time, amended with the consent of the Senate, passed, and ordered to be enrolled.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 22, 1825.

Mr. Caldwell moved that the Military committee be discharged from the consideration of the bill respecting a Light Infantry company in the town of Salisbury, commanded by Captain Samuel Lemly. The question thereon passed in the affirmative. The said bill was read the first time, and, on motion of Mr. Skinner, postponed indefinitely.

Mr. Polk, from the Military committee, to whom was referred the bill to arrange in numerical order the regiments of Infantry of the militia of this State, in the counties in which they are located, reported the said bill without amendment. The said bill was read the first time and passed.

A message from the Senate, proposing to ballot immediately for Lieutenant Colonel of Cavalry attached to the 11th brigade of the militia, and informing that James A. Means is in nomination for the appointment.—The message was concurred in, and a committee, consisting of Messrs. Bain and Cox, appointed to conduct the balloting.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for Lieutenant Colonel of Cavalry, attached to the 11th brigade, and informing that William Newton Park and Marius T. C. Kennedy are in nomination for the appointment; and also proposing immediately thereafter to ballot for a Board of Internal Improvement, and informing that James Iredell, Daniel M. Forney and Edward B. Dudley are in nomination for the appointment.

A message from the Senate, informing that Mr. Shuford and Mr. Boddie form the committee on their part to conduct the balloting for Colonel of Cavalry attached to the 11th brigade.

Mr. W. W. Jones presented a bill to make an appropriation for clear-

ing out the flats below Wilmington. Mr. Wilson presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Wilkes. These bills were read each the first time, and the question shall the said bills pass? was determined in the affirmative.

The bill to authorise the Courts of Pleas and Quarter Sessions of Carteret and Jones counties to appoint Special Justices of the Peace, and making compensation to such justices for certain services; also the bill to establish Williams Academy, in the county of Duplin, and to incorporate the trustees thereof; also the bill to make compensation to the jurors of the Superior and County Courts of Randolph county; also the bill prescribing the time and places of electing the members of the General Assembly for the county of Wayne, members of Congress, and Electors to vote for President and Vice President of the United States, and to repeal part of an act, passed in the year 1824, prescribing the time and places of electing members to the General Assembly, members to Congress, and Electors to vote for President and Vice President of the United States. These bills were respectively read the second and third times, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill to authorise a certain number of Justices of the Peace for the county of Edgecombe to appropriate the county monies, was read the second and third times, and the questions shall the said bill pass? were determined in the affirmative. Ordered that the said bill be enrolled.

The bill to provide for the better government of the town of Lincoln; also the bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52, and for other purposes, were each read the second time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to amend an act, passed in the year 1817, establishing a flour warehouse in the town of Fayetteville, was read, and, on motion, ordered to lie on the table.

The bill giving exclusive jurisdiction to the Superior Court of Anson, of pleas and prosecutions of the State, was read the second and third times. Mr. Caldwell moved that the said bill be indefinitely postponed. The question thereon passed in the negative. The said bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Bain, from the committee, appointed to conduct the balloting for Col. of Cavalry attached to the 11th brigade of the militia, reported that the committee had performed the duty assigned to them; and that, on examining the ballots, it appeared James A. Means had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

The bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for a piece of land, for the use and benefit of the county of Currituck, was read the second time and passed. Ordered that the said bill be referred to the committee on the Judiciary.

The bill concerning the appointment and powers of patrollers in the county of Robeson, was read the second time and passed. On motion, ordered that the said bill be read the third time; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill to amend an act, entitled "an act to authorise the counties therein named to appoint a committee of Finance;" also the bill to repeal an act, passed in the year 1822, entitled "an act to exempt certain citizens of Hyde county from public duty;" also the bill to divide the regiment of militia in Rockingham county; also the bill making compensation to the jurors for the county of Moore; also the bill to establish a poor house in the county of Martin; also the bill respecting the Courts of Pleas and Quarter Sessions of the county of Tyrrell; also the bill to appoint commissioners to lay off a road from John Harden's to Ashe court house, and for other purposes; also the bill to incorporate La Fayette Lodge, in the county of Onslow; also the bill to divorce Robert Bigham, junior, of the county of Mecklenburg, from Mary his wife; also the bill to repeal part of an act, passed in 1820, entitled "an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes;" also the bill to allow commissions to Constables in the county of Halifax; also the bill supplemental to an act, passed the present session of the General Assembly, entitled "an act to extend the provisions of an act, passed in 1824, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,' to the county of Rowan;" also the bill directing the manner in which Constables shall be hereafter appointed in the county of Sampson. These bills were severally read the second time, and the questions shall the said bills pass? were determined in the affirmative. On motion, ordered that the said bills be read the third time, and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

Mr. Bell presented a bill to alter the names of John Baptist, William Cook and Mary Frances Cook, children of John Mansard and Penelope Cook, of Pasquotank county, and to legitimate them. The said bill was read the first time and passed.

Mr. Dockery, who voted in the majority yesterday on the question of indefinite postponement of the bill to divorce Susanna Tindell of the county of Haywood, from her husband James Tindell; Margaret Jackson, of the county of Burke, from her husband Gabriel Jackson; and Susanna Sharp from her husband Thomas Sharp, moved that the House do reconsider that vote. The question thereon passed in the negative.

Mr. Iredell presented a bill to incorporate Eastern Lodge, in the county of Pasquotank. The said bill was read the first time and passed.

The bill for the better regulation of the town of Pittsborough, in the county of Chatham, and to enforce the same; also the bill to prescribe the duties of the Attorney General, and to appoint a Solicitor for the third judicial circuit, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of reporting

a bill making it the duty of the Sheriffs or Coroners in all executions from the Supreme Court to pay into the office of the Superior Court, from whence an appeal was taken, the costs due in said Court, reported that the committee had, according to order, had the said resolution under consideration, and instructed him to report a bill, in pursuance to the object of the resolution, entitled "a bill directing the manner in which the costs of suits decided in the Supreme Court of North-Carolina shall hereafter be collected and paid over." The said bill was read the first time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom the resolution in favor of Absalom Hooper was referred, reported that the committee had, according to order, considered the said resolution, and instructed him to report that it is reasonable, and ought to be passed. The question to concur with the report and resolution passed in the affirmative.

On motion of Mr. A. Moore,

Resolved, That the committee on Internal Improvements be directed to bring in a bill providing for the taking bond and security from undertakers as contractors for the execution of the public works.

Mr. Polk, from the Military committee, to whom was referred the resolution instructing them to inquire into the expediency of classing the militia, reported that the committee had, according to order, considered the said resolution, and instructed him to report that it is inexpedient to class the militia, as proposed, at this time, and to ask that the committee be discharged from the further consideration of the said resolution. The question to concur with the report passed in the affirmative.

Mr. Drake, from the committee on Education, to whom was referred the memorial of sundry citizens of Orange county, composing the officers of the Sunday School Union of said county, reported that the committee had considered the said memorial, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

Mr. Polk, from the Military committee, to whom was referred the resolution instructing them to inquire into the propriety of so amending the militia laws, as to prescribe the arms, accoutrements and uniform proper to be worn by the militia officers, reported that the committee had, according to order, considered the said resolution, and instructed him to report that the laws of the United States provide for the objects in the said resolution, and to ask that they be discharged from the further consideration thereof. The question to concur with the said report passed in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the petition of William L. Hill, Col. Commandant of the Onslow militia, in behalf of himself and others, reported that the committee, according to order, had considered the said petition, and instructed him to report a resolution appropriating the sum of two hundred dollars, as payment for the services rendered by the petitioners and others in suppressing a rising or insurrection of negroes. Mr. Stedman moved that the consideration of the report and resolution be postponed indefinitely. The question thereon passed in the affirmative.

Mr. Scott, from the committee of the Judiciary, to whom it was refer-

red to inquire into the expediency of reporting a bill making overseers of public roads competent witnesses in all cases where it shall be their duty to give notice to the hands of the time of their working on said roads, reported that the committee had, according to order, considered the subject, and instructed him to report a bill, entitled "a bill to make overseers of public roads competent witnesses as to notice." The report was concurred in, and the bill reported read the first time and passed.

Mr. Scott, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of amending the outlawry laws, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is inexpedient to make any amendment in said laws. The question to concur with the report passed in the affirmative.

Mr. Swain, from the select committee, to whom the petition of a number of the citizens of Burke and Rutherford counties was referred, praying for the erection of a new county, reported that the committee had, according to order, considered the said petition, and deem it reasonable, and instructed him to report a bill in pursuance to the prayer thereof, entitled "a bill to erect part of the counties of Buncombe and Burke into a separate and distinct county." The said bill was read the first time, and, on the motion of Mr. Drake, postponed indefinitely.

Mr. Spruill, from the select joint committee to whom was referred the memorial of the Grand Jury of Chatham county on the subject of a Penitentiary, reported that the committee, according to order, had had the said memorial under consideration, and instructed him to report that it is inexpedient at this time to establish a Penitentiary. The question to concur with the report passed in the affirmative. On motion, ordered that the said report be sent to the Senate, with a proposition that it be printed, two copies for each member of the Assembly.

Mr. Swain presented the petition of John M'Rae, of the town of Fayetteville, stating that he is about to publish, by subscription, a Map of the State, and asking for a loan of three thousand dollars, to enable him to effect the work. On motion, ordered that the said petition be referred to Messrs. Swain, Miller, Elliott, Picot and Edwards.

On motion of Mr. Vann,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the present laws, as to prevent as far as possible frivolous and malicious prosecutions going into Courts, when the prosecutors or defendants are not able to pay the costs; and that they report by bill or otherwise.

The bill for the relief of Peter Dowell, late Sheriff of Wilkes, was read the second time, and the question shall the said bill pass? was determined in the negative.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of William Hooker, in behalf of himself and others, made a report unfavorable to the prayer of the petition, and recommended its rejection. The question to concur with the report passed in the affirmative.

Mr. Polk, from the same committee, to whom was referred the petition of sundry inhabitants of the county of Lincoln, reported favorably to the prayer of the petition, recommending the passage of a bill, which he presented, entitled "a bill concerning the county of Lincoln." The report was concurred in, and the bill reported read the first time and passed.

The House then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, DECEMBER 23, 1825.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie; a bill to amend an act, passed in the year 1824, entitled "an act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke;" and a resolution in favor of Thomas Rogers, of Anson county; and asking the concurrence of this House.

Mr. Holland presented a bill to amend the 9th section of an act, passed in the year 1777, entitled "an act directing the method of electing members of the General Assembly, and for other purposes;" which was read the first time and passed.

The engrossed bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie, was read the first time and passed. On motion, ordered that the said bill be read a second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

Mr. Whitehurst presented a bill concerning stakes in Neuse river below Newbern. The said bill was read the first time and passed. Ordered that the said bill be read the second time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed resolution explanatory of the resolution of 1821, in relation to the Public Library, with several amendments, and asking the concurrence of this House. The amendments were read, concurred in, and the Senate informed thereof by message.

On motion of Mr. Iredell,

Resolved, That the Clerk of this House be authorised and directed to employ an additional Assistant Clerk for the remainder of the session, who shall be entitled to the same daily compensation as is allowed to the present Assistant Clerk.

The bill to amend an act, entitled "an act concerning the town of Salisbury," passed in the year 1822, chapter 52, and for other purposes, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The resignation of Jesse Bray, Justice of the Peace for the county of Chatham, was read and accepted.

Mr. Howell presented the petition of Mary Barker, praying to be divorced from her husband Charles Barker. Ordered that the said petition be referred to the committee of Divorce and Alimony.

Mr. Iredell, from the joint committee of Finance, who were instructed to burn the defaced Treasury notes in the Treasury, reported that, according to order, they had examined and caused to be burnt, in their presence, thirteen thousand nine hundred and eighty-four dollars and thirty-five cents, (\$13,984 35,) and recommended the passage of a resolution enabling the Public Treasurer to obtain a credit in his public account to an equal amount. The said resolution was read and concurred with. Ordered that the said resolution be engrossed and sent to the Senate.

Mr. Gordon presented a bill to amend an act, passed in the year 1814, entitled "an act for the better regulation of the town of Wilkesborough, in the county of Wilkes." The said bill was read the first time and passed. Ordered that the said bill be read the second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

Mr. Carson, from the committee to whom the petition of James Kirkindale was referred, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

The resignations of Thomas Atkinson, Lieutenant Colonel of the Caswell regiment of militia, and John M'Millan, Justice of the peace for the county of Caswell, were read and accepted.

The bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear, was read the second time and amended, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they concur in the several amendments made by this House in the bill to amend an act for the better care of orphans, and security and management of their estates. The said bill being read the third time and passed, with the amendments proposed several days ago, on motion, ordered that the said bill be enrolled.

The bill to provide for the removal of the shoal in Tar River below the town of Washington, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Donoho, from the committee of Internal Improvements, to whom was referred the resolution directing them to report a bill requiring the Board of Internal Improvements to take bond and security for the due and faithful fulfilment of contracts, in relation to Internal Improvements, reported that the committee had, according to order, considered the said resolution, and instructed him to report a bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same. The report was concurred in, and the bill reported read the first time and passed.

A message from the Senate, proposing to ballot immediately for Lieutenant Colonel of Cavalry, attached to the 11th Brigade of the militia. The message was concurred in, and the Senate informed by message that Mr. Durgan and Mr. Skinner form the committee on the part of this House to conduct the balloting.

A message from the Senate, informing that Mr. Daniel and Mr. Alexander attend this House, to conduct the balloting for Lieutenant Colonel of Cavalry, attached to the 11th brigade, on their part.

Mr. Simpson presented a bill for the better regulation of the County Courts of Guilford county. The said bill was read the first time and passed. Ordered that the bill be read the second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

The bill for the relief of certain purchasers of the Cherokee lands, was read the third time, and the question shall the said bill pass? was determined in the affirmative.

The bill to encourage the publication of a historical and scientific work on this State, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

On motion of Mr. Shepperd,

Resolved, That the Public Treasurer be directed to refund to Joseph Welch, of Haywood county, the sum of one hundred dollars, paid by him to William Gaston, Esq. as counsel in the case, decided in the Supreme Court, *Ea Chillah*, a Cherokee Indian, vs. Joseph Welch.

Ordered that the said resolution be engrossed and sent to the Senate.

Mr. Durgan, from the committee appointed to conduct the balloting for Lieutenant Colonel of Cavalry, attached to the 11th brigade of the militia, reported that the committee had performed the duty assigned to them; and that, on counting the ballots, it appeared William Newton Park had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

A message from the Senate, informing, that they had indefinitely postponed the consideration of the recommendation of Thomas Independence Polk, as Lieutenant Colonel of the first regiment of the Mecklenburg county militia.

Mr. Donoho, from the committee of Internal Improvements, made a report on the petition of sundry inhabitants of the county of Wilkes on the subject of a road, unfavorable to the prayer of the petition, recommending that the subject be referred to the court of said county. The question to concur with the report passed in the affirmative.

The bill to prescribe the duties of the Attorney General, and to appoint two Solicitors for the third and fourth judicial circuits, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the petition of sundry inhabitants of the county of Haywood on the subject of a road, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report passed in the affirmative.

The engrossed resolution in favor of Thomas Rogers, of Anson county, received from the Senate, directing the Secretary of State to issue a grant for two hundred acres of land to him, was read and concurred with. Ordered that the said resolution be enrolled.

Mr. Swain presented a letter from John De Lacy, praying renumeration for services performed in surveying the coast about Roanoke Inlet, at the request of the late Governor Hawkins. The said letter was read, and, on motion, ordered to be postponed indefinitely.

Mr. Glasgow presented a bill to incorporate the trustees of the Presbyterian Church in Oxford. The said bill was read the first time and rejected.

Mr. Boon presented the petition of Willie Dobson, of Orange county, praying to be restored to the privileges of a citizen, forfeited by a prosecution and conviction of perjury. On motion, ordered that the said petition be postponed indefinitely.

Mr. Scott presented the petition of the Franklin Library Society, established in the town of Hillsborough, praying to be authorised by law to

raise a sum of money, not exceeding three thousand dollars, to be appropriated for the purchase of books. The said petition was read, and, on motion, ordered to be postponed indefinitely.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of amending the laws concerning attachments and garnishments, reported that the committee, according to order, had considered the said resolution, and instructed him to report that the existing law in that respect needs neither modification or amendment. The question to concur with the report passed in the affirmative.

A message from the Senate, informing that they agree to refer that part of the Governor's message of the 19th ultimo, in relation to James Forsyth, to a select joint committee, and on their part to Messrs. Gilchrist, Sneed, Vanhook, Pool, and Davidson of Iredell.

The engrossed bill to amend an act, passed in the year 1824, entitled "an act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Lincoln and Burke," was read the first time, and, on motion, postponed indefinitely.

Mr. Martin presented the following resolution:

Resolved, That the Board of Internal Improvement be, and they are hereby directed to prepare and transmit to the President and Directors of the Roanoke Navigation Company, a memorial, respectfully soliciting that body to accept of the appropriation made by the Legislature of this State, in the year 1823, for the purpose of locking into the river at Weldon, and report the result of said memorial to the next session of the Legislature.

Mr. Iredell moved that the consideration of said resolution be postponed indefinitely. The question thereon passed in the affirmative—yeas 83, nays 32. The yeas and nays moved for by Mr. Martin.

Those who voted in the affirmative, are Messrs. Andrews, Ashe, Baker, Ball, Ballew, Best, Boon, Bonner, Bryan, Burke, Bynum, Caldwell, Carson, Conrad, Cooper, Cowan, Crawford, Daniel, Donoho, Drake, Durgan, Edmonston, Edwards, Elliott, Foy, Gause, Gordon, Hardy, Harper, Hartley, Hill, Holland, Howell, Houze, Iredell, Joiner, W. W. Jones, N. Jones, Lassiter, Lewis, Love, Melchor, Mewborn, Miller, A. Moore, G. Moore, Murchison, M'Cauley, M'Millan, M'Nair, Pickens, Picot, Polk, Poor, Pugh, Raiford, Rand, Rascoe, Scott, L. H. Simmons, L. R. Simmons, Simpson, Smith of Anson, J. N. Smith, Spruill, Stephens, Stedman, Swain, Tillett, Torrence, D. Underwood, Unthank, J. Walton, Walker, Wasden, Weaver, Webb, Whitaker, Wilder, E. Williams, W. T. Williams, Wilson, Wright—83 yeas.

Those who voted in the negative, are Messrs. Allen, Alston, Barnett, Bateman, Bell, Blount, Bozman, Brooks, Brower, Burns, Carter, Clement, Cox, Davenport, Ellison, Gary, Glasgow, Gorham, Hoover, Latham, Martin, Marshall, Mhoon, Richardson, Shepperd, Smith of Davidson, Spurgen, W. Underwood, Vann, Webster, Whitehurst, Williamson—32 nays.

The bill to alter the time of the annual meeting of the General Assembly, was read the second time. Mr. Caldwell moved to amend the said bill, by striking out the words, *on the last Monday in December*, the time contemplated by the bill for the meeting of the next Legislature, and inserting the words *on the said Monday in December*. Mr. Miller called for a division of the question; and the question will the house strike out? passed in the negative. Mr. Cooper moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the negative—yeas 51, nays 61. The yeas and nays called for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Alford, Alston, Baker, Ballew, Bonner, Bozman, Burke, Carson, J. Carter, W. Carter, Clement, Conrad, Cooper, Crawford, Daniel, Davenport, Drake, Durgan, Gordon, Hartley, Holland, Latham, Lassiter, Marshall, Melchor, Mewborn, G. Moore, Murchison, M'Millan, Picot, Poor, Pugh, Rand, Rascoe, Richardson, L. H. Simmons, L. R. Simmons, Simpson, Smith of Anson, Spurgen, Stephens, Stedman, W. Underwood, D. Underwood, Unthank, J. Walton, Whitaker, Whitehurst, Wilder, E. Williams, Wright—51 yeas.

Those who voted in the negative, are Messrs. Allen, Andrews, Ashe, Bain, Ball, Barnett, Bateman, Bell, Best, Blount, Boon, Brower, Bryan, Burns, Bynum, Caldwell, Cowan, Cox, Edmonston, Edwards, Elliott, Ellison, Foy, Gary, Gause, Glasgow, Hardy, Hoover, Howell, Houze, Iredell, Joiner, W. W. Jones, N. Jones, Lewis, Love, Martin, Matthews, Miller, Mhoon, A. Moore, M'Cauley, M'Nair, Pickens, Raiford, Scott, Shepperd, Skinner, Smith of Davidson, J. N. Smith, Spruill, Tillett, Torrence, Vann, Walker, Wasden, Weaver, Webb, Webster, W. T. Williams, Wilson—61 nays.

The said bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 24, 1825.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal an act, passed in 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county;" a bill to amend an act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of land and slaves under execution in Rowan county;'" a bill to divorce Mary Fields, of the county of Ashe, from her husband William Fields; a bill to authorise the County Courts of Stokes and Guilford to appoint a committee of Finance; and a bill to alter the time of holding the Court of Pleas and Quarter Sessions of Person county; in which they ask the concurrence of this House.

The bill to amend an act, entitled "an act directing the time and place of sales of land and slaves under execution in Rowan county," was read the first time, and the question shall the said bill pass? was determined in the affirmative.

The bill to repeal an act, passed in 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county," was read the first time and passed. Ordered that the said bill be read a second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

The bill to alter the time of holding the Court of Pleas and Quarter Sessions of Person county, was read the first time and passed. On motion, ordered that the said bill be read a second time, and the question shall the said bill pass its second reading? was determined in the affirmative.

The bill to authorise the County Courts of Stokes and Guilford to appoint a committee of Finance, was read the first time and amended; and the question shall the said bill pass? was determined in the affirmative.

Mr. Lassiter presented a bill to regulate the patrol of Lenoir county. Mr. Picot presented a bill authorising a loan to John M'Rae, to aid him in the publication of a Map of this State. These bills were read each the first time, and the questions shall the said bills pass? were determined in the affirmative.

The resignations of John Eason, Colonel of the regiment of militia of Johnston; Levi Mewborn, Justice of the Peace of Lenoir county, were read and accepted.

Mr. Polk, from the Military committee, to whom was referred the petition of sundry inhabitants of Rutherford county, reported a bill, in pursuance to the prayer of the petition, entitled "a bill directing the manner in which the regiments of infantry of this State shall hereafter be reviewed." The report was concurred in, and the bill reported read the first time and passed.

Mr. Polk, from the committee of Propositions and grievances, to whom was referred the petition of Thomas H. Scarborough, of Chatham county, reported that the committee, according to order, had considered the said petition, and instructed him to report that it is inexpedient to grant the prayer thereof. The question to concur with the report passed in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled "an act to prevent the stealing of slaves, or, by violence, seduction, or any other means, taking or carrying away any slave or slaves, the property of another, and for other purposes therein mentioned," passed in the year 1792, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred with, and the Senate informed thereof by message.

Mr. Wilson presented a bill to amend the first section of an act, passed in the year 1820, concerning the marriage of infant females. Mr. Whitehurst presented a bill to repeal part of an act, passed in 1818, entitled "an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special Justices of the Peace, and making compensation to such justices for certain services." Mr. Drake presented a bill to provide for the payment of jurors for the county of Nash. Mr. N. Jones presented a bill to establish a poor house in Granville county, and for other purposes. Mr. Drake presented a bill to incorporate Morning Star Lodge, in the town of Nashville, Nash county. Mr. M'Caulley presented a bill to appoint commissioners for the village of Chapel Hill, and for other purposes. Mr. M'Millan presented a bill concerning the Court of Pleas and Quarter Sessions of the county of Bladen. Mr. Spruill presented a bill to alter the times of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton. Mr. Adams presented a bill to incorporate Fellowship Lodge, No. 84, in Johnston county. Mr. Ellison presented a bill to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town. These bills were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred a resolution instructing them to inquire into the expediency of providing by law for the establishment and construction of a State road from Fayetteville to the town of Salem, and from thence to Wilkesborough, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is not expedient to legislate at this time on the subject. The question to concur with the report passed in the affirmative.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the petition of Hugh and Eli Stuart, of the county of Mecklenburg, reported favorable to the prayer of the petition, and recommended the passage of a resolution, presented by him, for their relief. The said resolution was read and passed, and ordered to be engrossed.

Mr. Donoho, from the committee on Internal Improvements, made a report on the petition of Ebenezer Pettigrew, of the county of Tyrrell, favorable to the prayer thereof, recommending the passage of a bill to prevent persons from injuring a dam and canal, lately constructed by Ebenezer Pettigrew, in the county of Tyrrell. The said bill was read the first time and passed.

Mr. Ballew presented a bill to authorise Abner Payne, of the county of Burke, to erect a gate on his own lands across the road leading to Lincolnton. The said bill was read the first time and passed.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the petition of Mary Barker, praying to be divorced from her husband Charles Barker, made a report unfavorable to the prayer of the petition, and praying to be discharged from the further consideration of the subject. The question to concur with the report passed in the affirmative.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan, reported that the committee had, according to order, considered the said bill, and instructed him to report the bill, and recommend its passage. The said bill was read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal in part the several acts of the General Assembly respecting the sales of land and slaves under execution, so far as regards the county of Gates; a bill to alter in part the times of holding the Superior Courts of Law and Equity in the 5th judicial circuit; also a resolution in favor of Thomas Lanier and Hardy Wood, of Franklin county; and asking the concurrence of this House; and informing further, that they had indefinitely postponed the engrossed bill to repeal the 10th section of an act, directing the manner in which the Clerks of the Superior Courts shall be appointed, passed in the year 1806, chapter 693, entitled "an act for the more uniform and convenient administration of justice within this State."

The bill to fix the compensation hereafter to be given to the Public Printer within this State, was read the second time, and, on motion, postponed indefinitely.

Mr. Polk, from the committee of Propositions and Grievances, to whom was referred the bill to amend an act, entitled "an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same," reported that the committee, according to order, had the said bill under consideration, and instructed him to report the same without amendment, and to recommend its passage. The report was concurred in, and the said bill read the first time and passed.

The engrossed bill to repeal in part the several acts of the General Assembly, respecting the sales of lands and slaves under execution, so far as regards the county of Gates; and the engrossed bill to alter in part the times of holding the Superior Courts of Law and Equity in the 5th

judicial circuit, were each read the first time, and the questions shall the said bills pass? were determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law, as to more effectually suppress the practice of slaves hiring their own time, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that the law in that respect requires no amendment. The question to concur with the report passed in the affirmative.

Mr. Scott, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending an act, passed in the year 1819, to prevent fraudulent trading with slaves, so far as to prevent slaves from selling cotton to any person except their owners or other persons having the management of them, reported that the committee had had the said resolution under consideration, and instructed him to report that the present law, if duly executed, is sufficient to prevent such practices. The question to concur with the report passed in the affirmative.

The engrossed resolution in favor of Thomas Lanier and Hardy Wood, of Franklin county, was read and ordered to lie on the table.

The bill to alter the time of the annual meeting of the General Assembly, was read the third time, and the question shall the said bill pass? was determined in the affirmative—yeas 64, nays 56. The yeas and nays moved for by Mr. Skinner.

Those who voted in the affirmative, are Messrs. Allen, Ashe, Bain, Ball, Barnett, Bateman, Bell, Best, Blount, Boon, Brooks, Brower, Bryan, Burns, Bynum, Cox, Crawford, Daniel, Davenport, Donoho, Dunn, Edmonston, Edwards, Elliott, Ellison, Gary, Gause, Glasgow, Gorham, Hardy, Iredell, Joiner, W. W. Jones, Lamb, Lassiter, Lewis, Love, Martin, Matthews, Melchor, Miller, Mhoon, A. Moore, Murchison, M'Cauley, M'Nair, Polk, Raiford, Scott, Shepperd, Skinner, J. N. Smith, Spruill, Swain, Tillet, Torrence, W. Underwood, Wm. Walton, Wasden, Weaver, Webster, Wilcox, W. T. Williams, Wilson—64 yeas.

Those who voted in the negative, are Messrs. Adams, Alford, Alston, Andrews, Ballew, Bonner, Bozman, Burke, Caldwell, Carson, I. Carter, W. Carter, Clement, Conrad, Cooper, Drake, Durgan, Gordon, Harper, Hartley, Herbert, Hill, Holland, Hoover, Howell, N. Jones, Latham, Marshall, Mewborn, G. Moore, M'Millan, Picot, Poor, Pugh, Rand, Rascoe, Richardson, L. H. Simmons, L. R. Simmons, Simpson, J. Smith of Anson, J. Smith of Davidson, Spurgen, Stephens, Stedman, Unthank, Vann, J. Walton, Walker, Webb, Whitaker, Whitehurst, Wilder, E. Williams, Williamson, Wright—56 nays.

Ordered that the said bill be enrolled.

The Clerk, in obedience to the resolution of yesterday, instructing him to engage an additional assistant clerk, has appointed Ichabod Whitmore.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 26, 1825.

Mr. Swain, from the select committee, to whom was referred the memorial of John M'Rae, of the town of Fayetteville, reported a

bill, in pursuance of the prayer of said memorial, entitled "a bill authorising a loan to John M'Rae, to aid him in the publication of a Map of this State," and recommend its passage. The said bill was read the first time and passed.

The House resolved itself into a committee of the Whole, on the motion of Mr. Picot, on the bill to prevent protracted litigation by enlarging the jurisdiction of Justices of the Peace, Mr. Martin in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Martin reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report it with sundry amendments. The amendments were read and concurred in. Mr. Picot moved that the further consideration of said bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 65, nays 47. The yeas and nays moved for by Mr. Picot.

Those who voted in the affirmative, are Messrs. Allen, Alston, Andrews, Baker, Ball, Bell, Best, Blount, Bozman, Bryan, Burke, Caldwell, Carson, I. Carter, W. Carter, Conrad, Cox, Daniel, Davenport, Dockery, Edmonston, Edwards, Elliott, Ellison, Gary, Glasgow, Gorham, Hardy, Harper, Hartley, Herbert, Holland, Hoover, Iredell, Lamb, Lassiter, Lewis, Mewborn, A. Moore, G. Moore, M'Nair, Picot, Poor, Pugh, Rascoe, Richardson, Shepperd, L. H. Simmons, L. R. Simmons, Smith of Davidson, Spruill, Spürgen, Stephens, Stedman, Torrence, Vann, W. Walton, Walker, Wasden, Webster, Whitehurst, Wilcox, E. Williams, W. T. Williams, Wright—65 yeas.

Those who voted in the negative, are Messrs. Alford, Ashe, Bain, Ballew, Barnett, Bateman, Boon, Bonner, Brooks, Brower, Burns, Bynum, Clement, Cooper, Crawford, Drake, Dunn, Durgan, Foy, Gause, Gordon, Hill, Howell, Joiner, N. Jones, Latham, Love, Martin, Marshall, Matthews, Melchor, Miller, Mhoon, Murchison, M'Cauley, M'Millan, Rand, Simpson, Smith of Anson, J. N. Smith, Swain, W. Underwood, Unthank, J. Walton, Webb, Whitaker, Wilson—47 nays.

Mr. Martin, from the select committee, to whom was referred the bill to compel certain officers therein named to make out their fee-bills in dollars and cents, and for other purposes, returned the bill without amendment, and recommended its passage. The said bill was read the first time passed.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of so amending the present laws, as to prevent, as far as possible, frivolous and malicious prosecutions going into court, reported that the committee, according to order, had the said resolution under consideration, and instructed him to report that it is not expedient to legislate on the matter. The question to concur with the report passed in the affirmative.

The bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The House, on motion of Mr. Wm. Underwood, resolved itself into a committee of the whole House, on the bill limiting the time within which actions shall be brought on justices' judgments, Mr. Scott in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Scott reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report it with an amendment. The amendment was read and agreed to. Mr. Mewborn moved that the further consideration of the said bill be postponed;

ned indefinitely. The question thereon passed in the negative. The bill was then put on its passage, and the question shall the said bill pass its second reading as amended? was determined in the affirmative.

On motion, ordered that Mr. Adams have leave of absence for this day.

The bill to make an appropriation for clearing out the flats below Wilmington, was read the second time. Mr. Boon moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the negative—yeas 45, nays 62. The yeas and nays moved for by Mr. Cox.

Those who voted in the affirmative, are Messrs. Ball, Boon, Bonner, Brower, Burke, I. Carter, Conrad, Cooper, Cox, Crawford, Daniel, Drake, Glasgow, Harper, Holland, N. Jones, Latham, Marshall, Mewborn, Mhoon, G. Moore, M'Nair, Raiford, Rand, Rascoe, L. R. Simmons, Skinner, Smith of Anson, Smith of Davidson, Spurgen, Shepperd, Stedman, Torrence, W. Underwood, D. Underwood, Unthank, Vann, J. Walton, Wm. Walton, Walker, Webb, Webster, Whitaker, Whitehurst, Wilder—45 yeas.

Those who voted in the negative, are Messrs. Alford, Andrews, Ashe, Ballew, Barnett, Bateman, Bell, Bozman, Brooks, Bryan, Burns, Bynum, Caldwell, Carson, W. Carter, Clement, Davenport, Dockery, Donoho, Dunn, Edmonston, Edwards, Elliott, Ellison, Foy, Gary, Gause, Gorham, Gordon, Hardy, Hartley, Herbert, Hill, Howell, Iredell, W. W. Jones, Lamb, Lassiter, Love, Martin, Matthews, Melchor, Miller, Murchison, M'Cauley, M'Millan, Pickins, Picot, Poor, Pugh, Richardson, Scott, Shepperd, L. H. Simmons, Simpson, J. N. Smith, Spruill, Swain, E. Williams, Williamson, Wilson, Wright—62 nays.

The said bill was put on its passage, and the question shall the said bill pass its second reading? was determined in the affirmative.

On motion of Mr. Iredell, the House resolved itself into a committee of the whole House, on the bill concerning the election of Sheriffs, Mr. Donoho in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Donoho reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the same. The question to concur with the report passed in the affirmative. The bill thereupon was put on its passage for its second reading, and the question shall the said bill pass? was determined in the negative—yeas 46, nays 69. The yeas and nays moved for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Ashe, Bain, Ball, Ballew, Barnett, Bell, Best, Boon, Bonner, Brooks, Brower, Burke, Clement, Conrad, Cooper, Crawford, Davenport, Edmonston, Gause, Glasgow, Hardy, Harper, Holland, Hoover, Joiner, N. Jones, Latham, Love, Martin, Marshall, Mhoon, Poor, Raiford, Richardson, F. L. Simpson, J. Smith of Anson, Stedman, Torrence, W. Underwood, D. Underwood, Unthank, Walker, Wasden, Webster, Whitaker, Wilder—46 yeas.

Those who voted in the negative, are Messrs. Allen, Alston, Andrews, Baker, Bateman, Blount, Bozman, Bryan, Burns, Bynum, Caldwell, Carson, I. Carter, W. Carter, Cox, Daniel, Dockery, Donoho, Drake, Edwards, Elliott, Ellison, Foy, Gary, Gorham, Gordon, Hartley, Herbert, Hill, Howell, Iredell, W. W. Jones, Lamb, Lassiter, Lewis, Matthews, Melchor, Mewborn, Miller, A. Moore, G. Moore, Murchison, M'Cauley, M'Millan, M'Nair, Pickins, Picot, Pugh, Rand, Rascoe, Scott, Shepperd, L. H. Simmons, L. R. Simmons, Skinner, Smith of Davidson, Spruill, Spurgen, Stephens, Swain, Vann, J. Walton, W. Walton, Webb, Wilcox, Williamson, E. Williams, Wilson, Wright—69 nays.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 27, 1825.

A message from the Senate, proposing to suspend the joint resolution relative to the introduction of private bills, so far as regards a bill for the

better regulation of the committee of Finance in the county of Cumberland, and for other purposes. The message was concurred with, and the Senate informed thereof by message.

The resignation of Jo. Richardson, Justice of the Peace for the county of Johnston, was read and accepted.

The bill concerning the town of Oxford, was read the second time and amended, and the question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the resolution instructing them to inquire into the expediency of amending the law on the subject of bastardy, reported that the committee, according to order, had considered the said resolution, and instructed him to report that it is not expedient to amend the said law. The question to concur with the report passed in the affirmative.

Mr. Scott, from the same committee, to whom was referred the bill to make valid certain deeds registered in the county of Guilford, reported that the committee had had the said bill under consideration, and instructed him to report that it is inexpedient to pass the said bill, and to recommend its rejection. The question to concur with the report passed in the affirmative.

Mr. Wilson presented a bill to provide for taking testimony in certain cases. Mr. A. Moore presented a bill to alter the time of electing the members of the General Assembly in this State. These bills were read the first time and passed.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the communication from the Governor of the State of Virginia on the subject of the Dismal Swamp Company, reported that the committee had, according to order, had the subject under consideration, and instructed him to report a bill to authorise the stockholders of the Dismal Swamp Canal Company to increase their capital stock, and to recommend its passage. The said bill was read the first time and passed.

A message from the Senate, proposing to ballot immediately for a Major of the regiment of Cavalry attached to the 11th Brigade, and informing that Robert Kirkpatrick is nominated for the appointment. The message was concurred with, and the Senate informed by message that Mr. Walker and Mr. D. Underwood form the committee to conduct the balloting on the part of this House.

On motion, ordered that Mr. Alston, after this day, and Mr. Martin and Mr. Barnett, after Thursday next, have leave of absence until the end of the session.

The resignations of John Stockard, Col. Commandant of the third regiment of Militia of Orange county, and Robert Graham, Major in said regiment; of Malcom Munroe, of Cumberland county, and Robert Cannon, of Wake county, Justices of the Peace, were read and accepted.

The bill to amend and explain the 8th section of an act, passed in 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out public roads, &c." was read, and, on motion, ordered to be referred to Messrs. Bain, Shepperd, Wilson, Picot and Glasgow.

Mr. Miller, from the committee of Claims, to whom the petitions of William L. Griffin, of Rutherford county, and James Daniel, of Wayne

county, were referred, reported that the committee, according to order, had the said petitions under consideration, and instructed him to report that they be rejected. The question to concur with the report passed in the affirmative.

The bill to amend the several acts heretofore in force regulating the proceedings in Courts of Equity, was read the second time, and the question shall the said bill pass? was determined in the negative.

A message from the Senate, informing that Mr. Alexander and Mr. Daniel attend this House, on their part, as a committee to conduct the balloting for Major of Cavalry in the 11th Brigade.

Mr. Stedman presented a bill to prevent persons from educating slaves. The said bill was read the first time, and, on motion, rejected.

A message from the Senate, informing that they had passed the Engrossed resolution in favor of the door keepers, and requesting the concurrence of this House. The said resolution was read, and the question shall the said resolution pass? was determined in the affirmative. Ordered that the resolution be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill directing at what time the polls shall be closed at the separate elections in the county of Martin; also a bill to authorise the Courts of Pleas and Quarter Sessions of Carteret and Jones counties to appoint special Justices of the Peace, and making compensation to such Justices for certain services; also the bill prescribing the time and places of electing the Members of the General Assembly for the county of Wayne, Members of Congress and Electors to vote for President and Vice President of the United States, &c. with several amendments to each; in which they ask the concurrence of this House. The amendments made in each bill were read and concurred in, and the Senate informed thereof by message.

The bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public improvements in this State, and to take bond and security for the performance of the same, was read the third time. Mr. W. W. Jones moved to amend the bill by striking out the words, in the first section, "with good and sufficient security, payable to the Governor for the time being, in double the sum paid, or contracted to be paid, with the condition that he or they will faithfully perform his or her contract, according to the plans and specifications agreed on," and inserting in lieu the following words: "with condition to repay the money advanced upon the contract in case of failure fully to perform the same: Provided always, that the Board of Internal Improvements shall have power, on consideration of the work which may be done by any contractor who shall fail fully to perform his undertaking, and of the circumstances attending such failure, to allow such contractor to retain such sum as they may deem equitable and just for the work performed." The question thereon passed in the negative—yeas 54, nays 58. The yeas and nays called for by Mr. Bell.

Those who voted in the affirmative, are Messrs. Alford, Andrews, Ashe, Bain, Bateman, Bozman, Blount, Burns, Bynum, Caldwell, Carson, Clement, Crawford, Davenport, Donoho, Dunn, Edwards, Elliott, Ellison, Foy, Gause, Gorham, Gordon, Harper, Hartley, Hill, Herbert, Howell, Iredell, W. W. Jones, Lassiter, Lewis, Love, Matthews, Melchor, Miller, A. Moore, Murchison, M'Cauley, M'Millan, Pickins, Rand, Richardson, Scott, Shepperd, L. H. Simmons, J. N. Smith, Spruill, Swain, Webb, E. Williams, Williamson, Wilson, Wright—54 yeas.

Those who voted in the negative, are Messrs. Adams, Allen, Baker, Ballew, Barnett, Bell, Boon, Bonner, Brooks, Brower, Burke, I. Carter, W. Carter, Conrad, Cooper, Cox, Daniel, Dockery, Durgan, Edmonston, Gary, Glasgow, Holland, Hoover, Joiner, N. Jones, Latham, Martin, Marshall, Mewborn, Mhoon, G. Moore, M'Nair, Picot, Poor, Pugh, Raiford, Rascoe, L. R. Simmons, Simpson, Skinner, Smith of Anson, Smith of Davidson, Spurgen, Stephens, Stedman, Torrence, W. Underwood, Unthank, Vann, J. Walton, Wm. Walton, Walker, Wasden, Webster, Whitaker, Whitehurst, Wilder—58 nays.

The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until 3 o'clock, P. M.

The Bill to amend an act, passed in the year 1814, entitled "an act for the better regulation of the town of Wilkesborough, in the county of Wilkes;" also the bill for the better regulation of the County Courts of Guilford county. The said bills were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The engrossed bill to repeal an act, passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Bertie; also the engrossed bill to alter the time of holding the Court of Pleas and Quarter Sessions of Person county, were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 28, 1825.

On motion of Mr. Williamson, ordered that a message be sent to the Senate, proposing to ballot this morning for Colonel, Lieutenant Colonel and Major of Cavalry attached to the 16th brigade, and informing that John Willie, as Colonel, Reuben Walton, as Lieutenant Colonel, and Elijah Hester, as Major, are in nomination.

A message from the Senate, informing that they had passed the following engrossed bills, to wit: A bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham;" a bill for the better protection of public bridges owned by individuals or corporations, and prescribing the punishment for burning the same; a bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace; a bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to land within this State;" a bill to alter the names of Willie Wiggins, Ricks Wiggins, Micajah Wiggins and John Wiggins, and to legitimate them; a bill to alter the times of holding two of the County Courts in the county of Brunswick; a bill to annex a part of the lower Regiment to the upper Regiment, in Robeson county; a bill concerning the settlement of Guardians appointed by the Superior Courts; and a bill concerning the Militia of the county of Montgomery; and asking the concurrence of this House.

Mr. Best, from the committee appointed to conduct the balloting for Major of Cavalry attached to the 11th Brigade, reported that the commit-

tee had performed the duty assigned to them; and that it appeared, on examining the ballots, Robert Kirkpatrick had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

The bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to lands within this State;" the bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace; the bill for the better protection of Public Bridges owned by individuals or corporations, and prescribing the punishment for burning the same; and the bill concerning the settlement of Guardians appointed by the Superior Courts, were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative.

A message from the Senate, informing of the assent of that House to ballot for the Cavalry officers attached to the 16th Brigade; and that Mr. Sneed and Mr. Vanhook form the committee to conduct the balloting on their part.

On motion of Mr. Donoho, ordered that a message be sent to the Senate, informing that the name of Samuel Mitchell is added to the nomination for Major of Cavalry in said Brigade.

Mr. Blount presented a bill to amend the Militia Laws of this State, so far as regards the returns of Brigadier Generals and Colonels. The said bill was read the first time and passed.

The bill to alter the times of holding two of the County Courts in the county of Brunswick; also the bill concerning the Militia of the county of Montgomery; also the bill to annex a part of the lower Regiment to the upper Regiment in Robeson county; also the bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham," were respectively read the first time, and the questions shall the said bills pass? were determined in the affirmative. Ordered, that the said bills be read the second time; and the questions shall the said bills pass their second readings? were determined in the affirmative.

On motion of Mr. Ashe, ordered that the bill establishing a Medical Board in this State, be made the order of the day for to-morrow, then to be considered in committee of the whole House.

A message from the Senate, informing that they had passed the engrossed bill for the relief of certain purchasers of the Cherokee lands, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate informed thereof by message.

The bill to incorporate the North Carolina Gold Mine Company, was read the second time, and the question shall the said bill pass? was determined in the affirmative. On motion, ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill to create a fund for the establishment of common schools, and asking the concurrence of this House.

The resignations of John Shaw, of the county of Wake, and Henry Ripple, of Stokes county, Justices of the Peace, were read and accepted.

The bill to create a fund for the establishment of common schools, was read the first time, and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to prescribe the duties of the Attorney General, and to appoint two Solicitors for the third and fourth Judicial Districts.

The bill to alter the names of Willie Wiggins, Ricks Wiggins, Micajah Wiggins and John Wiggins, and to legitimate them, was read the first time, and, on motion, rejected.

Mr. Andrews presented a bill to repeal in part the first section of an act, passed in the year 1794, entitled "an act to prevent fraud in the sale of property therein mentioned;" which was read the first time and rejected.

The bill directing the manner in which the Regiments of Infantry of this state shall hereafter be reviewed, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The bill to regulate the hire of slaves, was read the second time. Mr. Bain moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 84, nays 25. The yeas and nays moved for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. Adams, Alford, Ashe, Bain, Ball, Barnard, Barnett, Blount, Bozman, Brooks, Burns, Bynum, Caldwell, Carson, W. Carter, Clement, Conrad, Crawford, Daniel, Donoho, Dunn, Durgan, Edwards, Elliott, Ellison, Foy, Gause, Glasgow, Gorham, Gordon, Harper, Hartley, Herbert, Hill, Holland, Hoover, Howell, Iredell, Joiner, W. W. Jones, N. Jones, Latham, Lassiter, Martin, Marshall, Matthews, Melchor, Miller, Mhoon, G. Moore, Murchison, M'Cauley, M'Millan, M'Nair, Pickins, Picot, Pugh, Raiford, Rand, Rascoe, Richardson, Scott, Shepperd, L. H. Simmons, Simpson, Skinner, Smith of Anson, J. N. Smith, Spruill, Spurgen, Stephens, Swain, Torrence, Unthank, J. Walton, Walker, Wasden, Web, Whitaker, Wilder, W. T. Williams, Wilson, Wright—84 yeas.

Those who voted in the negative, are Messrs. Baker, Ballew, Bateman, Bell, Boon, Bonner, Brower, Burke, I. Carter, Cooper, Cox, Davenport, Dockery, Gary, Hardy, Love, Mewborn, L. R. Simmons, Smith of Davidson, Stedman, W. Underwood, D. Underwood, Vann, Wm. Walton, Webster—25 nays.

Mr. Lewis, from the committee appointed to superintend the balloting for cavalry officers attached to the 16th brigade and third division of the militia, reported that the committee, according to order, had performed the duty assigned to them; and that it appeared, on examining the ballots, John Willie, as Colonel, Reuben Walton, as Lieutenant Colonel, and Elijah Hester, as Major, had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

The House resolved itself into a committee of the whole House on the bill to make an appropriation for clearing out the flats below Wilmington, Mr. Lewis in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Lewis reported that the committee of the Whole, according to order, had had the said bill under consideration, and instructed him to report that it is expedient to pass the same. The report was concurred in, and the said bill read the third time; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill for the better regulation of the town of Pittsborough, in Chatham county, and to incorporate the same; also the bill to repeal an act,

passed in 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county," were read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the latter bill be enrolled, the former engrossed and sent to the Senate.

The bill to repeal an act, passed in the year 1823, entitled "an act for the more convenient administration of justice in the Court of Pleas and Quarter Sessions in the county of Rockingham," was read the third time, and, on the motion of Mr. Barnett, postponed indefinitely.

The resolution in favor of William Boylan and the rest of the heirs of Benjamin M'Culloch, deceased, was read the second time, and, on motion of Mr. Bell, postponed indefinitely.

The House then adjourned until 3 o'clock, P. M.

The engrossed bill to annex a part of the lower regiment to the upper regiment in Robeson county, was read the third time, amended, and passed. Ordered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the amendments.

The bill to alter the times of holding two of the County Courts in the county of Brunswick; also the bill to provide for the better government of the town of Lincolnton; also the bill concerning the militia of the county of Montgomery, were severally read the third time, and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

The bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear river, was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

The bill authorising David Craig, of the county of Rowan, to erect two gates on the public road leading to the South Yadkin river; also the bill concerning the Court of Pleas and Quarter Sessions of the county of Bladen; also the bill to regulate the patrol of Lenoir county, were respectively read the second time and passed. Ordered that the said bills be read the third time; and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

On motion, ordered that a message be sent to the Senate, proposing to suspend the joint rule prohibiting the introduction of private bills after Saturday last, so far as to admit the introduction of the following bills, to wit: A bill to authorise Josiah Holly, of the county of Bertie, to erect a gate on his own lands; a bill to divorce John J. Hendrick and Lucy Hendrick; and a bill requiring the Justices of the Court of Pleas and Quarter Sessions of the county of Bladen to elect all public officers at their February term.

The bill to incorporate Fellowship Lodge, No. 84, in the county of Johnston; also the bill to alter the times of holding the Superior Courts of Law and Equity for the counties of Halifax and Northampton; also the bill to amend an act, entitled "an act for the better regulation of the town of Murfreesborough, in the county of Hertford, and to enlarge the same," were each read the second time and passed. Ordered that the said bills be read the third time; and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county; also the bill to amend an act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of lands and slaves under execution in Rowan county,'" also the bill for the better government of the town of Wadesborough, in Anson county; also the bill to authorise Willis Lewis, of Granville county, to erect and keep up on his own lands two gates across the public road leading from Clay's cross roads to Grassy creek; also the bill to establish and regulate a turnpike road in the counties of Rutherford and Buncombe; also the bill to revive and continue in force the provisions of an act, passed in the year 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough," and to amend the same, were severally read the second time and passed. On motion, ordered that the said bills be read for their third reading; and the questions shall the said bills pass? were determined in the affirmative. Ordered that the said bills be enrolled.

The bill to alter the time of laying the county taxes of Craven county, and appointing receivers of lists of taxables in said county; also the bill to provide for the payment of jurors for the county of Nash; also the bill concerning the county of Lincoln; also the bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Wilkes; also the bill to incorporate Eastern Lodge, in the county of Pasquotank; also the bill to repeal part of an act, passed in 1818, entitled "an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint Special Justices of the Peace, and making compensation to such justices for certain services;" also the bill to establish a poor house in Granville county, and for other purposes; also the bill to prevent persons from injuring a dam and canal, lately constructed by Ebenezer Pettigrew, in the county of Tyrrell; also the bill to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town; also the bill to authorise Abner Payne, of the county of Burke, to erect a gate on his own lands across the road leading to Lincolnton, were respectively read the second time and passed. Ordered that the said bills be read the third time; and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill to repeal an act, passed in 1823, entitled "an act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions in the county of Rockingham," was read the third time and postponed indefinitely.

The bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 29, 1825.

A message from the Senate, informing that they had passed the engrossed bill directing the Board of Internal Improvements to make contracts with such persons as may hereafter undertake any of the public

improvements in this State, and to take bond and security for the performance of the same, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred with, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to encourage the publication of a historical and scientific work on the State, with several amendments, and asking the concurrence of this House. The said amendments were read, the first and second were concurred with, and the third rejected. Ordered that the Senate be informed thereof by message.

Mr. Donoho, from the committee on Internal Improvements, to whom was referred the communication from the Executive of Virginia to the Governor of this State, enclosing an act relative to the Dismal Swamp Company, reported that the committee, according to order, had considered the said communication, and instructed him to report a bill giving the assent of the General Assembly of the State of North Carolina to an act of the Commonwealth of Virginia, passed the 29th day of January, A. D. 1818, entitled "an act to authorise the Dismal Swamp Canal Company to open a navigable communication between the Canal and the nearest navigable part of the North West river, and for other purposes," and to recommend its passage. The said bill was read the first time and passed.

On motion, ordered that Mr. Gorham, after this day, Lemuel H. Simmons and Mr. M'Cauley, after to-morrow, and Mr. Picot, after Saturday, have leave of absence until the end of the Session.

Mr. Scott, from the Judiciary committee, to whom it was referred to inquire into the propriety of appointing in each county within the State a regular and standing board of auditors, &c. reported that the committee, according to order, had considered the subject, and instructed him to report that it is inexpedient to legislate on the same, and ask to be discharged from the further consideration thereof. The report was read and concurred with.

The bill directing the manner in which the regiments of Infantry of this State shall hereafter be reviewed; also the bill to authorise and direct the payment to the wardens of the poor in each county in the State the tax imposed on retailers of spiritous liquors, was read the third time, and the question shall the said bills pass? was determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

On motion, ordered that Mr. Iredell and Mr. A. Moore have leave of absence from the service of this House after Saturday next until the end of the Session.

Mr. Bain, from the select committee to whom was referred the bill to amend and explain the 8th section of an act, passed in 1784, entitled "an act to empower the County Courts and Quarter Sessions of the several counties in this State to order the laying out of public roads, &c. returned the bill, with an amendment. The amendment was concurred in, and the bill, as amended, read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes; also the engrossed bill limiting the time within which prosecutions for certain offences shall be commenced; and also the engrossed bill concerning the navigation of Neuse River, and asking the concurrence of this House.

The engrossed bill limiting the time within which prosecutions for certain offences shall be commenced, was read the first time, and, on motion, postponed indefinitely.

The bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes; also the bill concerning the navigation of Neuse River, were read the first time, and the question shall the said bills pass? was determined in the affirmative.

The engrossed bill concerning company musters, was read the second time and rejected.

The bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes, was read the second time and passed.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill concerning the town of Oxford. The said bill was thereupon read the third time as amended, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

A message from the Senate, informing of the disagreement of that House to the proposition to suspend the joint rule for the admission of private bills.

The bill to repair and improve the road leading from Columbia, in Tyrrell county, to Gum Neck and Frying Pan, was read the third time and amended, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Received from the Senate, the certificate of three Justices of Mecklenburg county, in favor of Leah Beaty, countersigned by the Speaker. The question shall the Speaker countersign the said certificate? was determined in the negative.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to establish a Medical Society, and to regulate the practice of Physic and Surgery within this State, Mr. Shepperd in the Chair; and, after some time spent therein, Mr. Shepperd reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the said bill with several amendments, and to recommend their adoption. The report was concurred in, and the bill, as amended, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Scott, from the Judiciary committee, to whom was referred the bill to amend the several acts of the General Assembly on the manner of issuing marriage licenses, and for other purposes, reported that the committee, according to order, had had the said bill under consideration, and instructed him to report the same with amendments, and to recommend the passage of the bill as proposed to be amended. The amendments was concurred in except one; and the bill, as amended, was put on its passage, and the question shall the said bill pass? was determined in the negative.

The bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee

lands sold under the authority of the State," was read the second time, and the question shall the said bill pass? was determined in the affirmative.

Mr. Miller, from the committee of Claims, to whom was referred the resolution in favor of Joseph Welch, reported that the committee, according to order, had had the said resolution under consideration, and instructed him to recommend its passage, without an amendment. The question to concur with the said report passed in the negative.

The House then adjourned until 3 o'clock, P. M.

On motion, ordered that Charles Edwards have leave of absence from the service of this House, after Saturday next, until the end of the Session.

The bill concerning stakes in Neuse river below Newbern, or in Core Sound, in Carteret county, was read the third time and amended; and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill to repeal an act, passed in the year 1823, entitled "an act concerning the duty of Ferry-men across the Albemarle Sound and its waters;" also the bill to authorise the executor of Isaac Lamb, late Sheriff of Camden county, to collect arrears of taxes, were read—the former for its second reading, the latter for its first; and the questions shall the said bills pass their respective readings? were determined in the negative.

The bill to appoint commissioners for the village of Chapel Hill, and for other purposes; also the bill to incorporate Morning Star Lodge, in the town of Nashville, Nash county, were read the second time and passed. On motion, ordered that the said bills be read the third time, and the questions shall the said bills pass their third readings? were determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

The bill for the better regulation of the town of Beaufort, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 30, 1825.

On motion, ordered that Mr. Spurgen, after to day, Mr. Bryan, after Sunday next, and Mr. Brower, after Monday, have leave of absence from the service of this House until the end of the Session.

Mr. Miller presented a bill to declare valid certain deeds registered in the county of Wayne. The said bill was read the first time and passed.

Mr. Bain presented the following resolution:

Resolved, That the Public Treasurer pay to Leah Beaty, widow of John Beaty, deceased, of Mecklenburg county, her usual pension of forty dollars, for which he shall be allowed in the settlement of his public accounts.

The said resolution was read for its first, second and third readings, and the question shall the said resolution pass its several readings? was determined in the affirmative. Ordered that the said resolution be engrossed and sent to the Senate.

A message from the Senate, proposing to ballot immediately for a Board of Internal Improvements, and informing that James Iredell, Daniel M.

Forney and Edward B. Dudley are nominated for the appointments. The message was concurred in, and the Senate informed thereof by message; and that the name of Michael Holt is added to the nomination.

A message from the Senate, informing that the Senate have indefinitely postponed the further consideration of the engrossed bill to incorporate the Cotton Plant Steam Boat Company, on the Cape Fear river; also they have indefinitely postponed the bill for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Wilkes; and that they had rejected the bill concerning the county of Lincoln.

A message from the Senate, informing that Mr. Leak and Mr. Hill of Stokes attend this House as a committee on their part to conduct the balloting for a Board of Internal Improvements.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill to amend an act, passed at the last session of the General Assembly, entitled "an act to appoint commissioners to contract with Jeremiah Land for a piece of land, for the use and benefit of the county of Currituck," reported that the committee, according to order, had considered the said bill, and instructed him to report the said bill, with several amendments, and to recommend its passage. The amendments were concurred in, and the bill, as amended, read the third time and passed. Ordered that the said bill be engrossed, and sent to the Senate.

On motion, ordered that Mr. Harper have leave of absence after tomorrow until the end of the session.

A message from the Senate, informing of the assent of that House to the amendment made in the engrossed bill to repeal in part the several acts respecting the sales of lands and slaves under execution, so far as regards the county of Gates; also their agreement with the amendment made in the engrossed bill to annex a part of the lower regiment to the upper regiment in Robeson county. The said bills were respectively read the third time and passed. Ordered that the said bills be enrolled.

The bill limiting the time when actions shall be brought on justices' judgments, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, informing that they insist on their amendment marked C. in the engrossed bill to encourage the publication of a historical and scientific work on the State. On motion, ordered that the Senate be informed by message that this House insist upon their disagreement to the amendment marked C. in the said bill, and to ask for a committee of conference in the said disagreeing votes.

Mr. Ashe, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported that the committee had performed that duty; and that it appeared, on examining the ballots, James Iredell, Daniel M. Forney and Edward B. Dudley had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

Mr. Swain presented the following resolutions:

Resolved, That the Secretary of State be directed to procure, on the best terms practicable, one copy for the use of each County Court in this State of the several reports of the Supreme Court, which, in order of time, precede the third volume of Murphey's reports; which reports, so procured, he shall cause to be transmitted to the several counties at the same time that the laws and journals are transmitted.

Resolved, That the Public Treasurer be authorised to pay the Secretary of State the amount that may be necessary to carry into effect the object of this resolution.

On motion, ordered that the said resolution lie on the table.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to prevent free persons of color from migrating into this State, for the good government of such persons resident in the State, and for other purposes, Mr. Scott in the Chair; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Scott reported that the committee had, according to order, had the said bill under consideration, and instructed him to report that they had made progress therein, and ask leave to sit again on said bill. The question thereon passed in the affirmative.

Mr. Skinner, from the committee of Propositions and Grievances, to whom was recommitted the petition of Joseph Welch, of Haywood county, reported that the committee had considered the said petition, and instructed him to report a bill, in pursuance to the petition, entitled "a bill authorising Joseph Welch, of Haywood county, to erect two gates on the public road, called the Smoky Mountain Turnpike road." The report was concurred in, and the bill reported read the first time and passed.

The House then adjourned until 3 o'clock, P. M.

On motion of Mr. Poor,

Resolved, That the Secretary of State be, and he is hereby required to issue a grant to David Sherill, for one hundred and fifty acres of land, situated in the county of Burke, agreeably to the warrant and certificate of survey, No. 8684, as heretofore filed in his office.

Ordered that the said resolution be engrossed and sent to the Senate.

The resignation of George Bower, Lieutenant Colonel of Cavalry attached to the 9th brigade and 5th division, was read and accepted.

The bill for the better regulation of the committee of Finance in the county of Cumberland, and for other purposes, was read the 2d time and passed. Ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be enrolled.

The resolution in favor of Sherwood Fort, of the county of Cumberland, was read the second time and passed. On motion, ordered that the said resolution be read the third time; and the question shall the said resolution pass its third reading? was determined in the affirmative. Ordered that the said resolution be engrossed and sent to the Senate.

The bill to revive and continue in force, for and during the time therein mentioned, an act of the General Assembly of 1824, entitled "an act to alter and amend the act of the General Assembly of 1823, entitled 'an act for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State,'" was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to authorise the Courts of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance, was read the second time and passed. Ordered that the said bill lie on the table.

The bill for the better regulation of the town of Beaufort, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill to authorise the Stockholders of the Dismal Swamp Canal Company to increase their capital stock, was read the second time and passed. Ordered that the said bill be read the third time; and the question shall the said bill pass its third reading? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The bill concerning the navigation of Neuse river, was read the second time, and the question shall the said bill pass? was determined in the affirmative.

The bill to amend the several acts heretofore in force for the appointment of commissioners for the town of Warrenton, and for other purposes, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

Mr. Ashe, who voted yesterday evening in the majority on the question of indefinite postponement of the bill to repeal an act, passed in the year 1823, entitled "an act concerning the duty of ferrymen across the Albemarle Sound, and its waters," moved that the House do reconsider that vote. The question thereon passed in the affirmative. The bill, thereupon, was put on its passage, and the question shall the said bill pass? was determined in the negative.

The bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her, was read and ordered to lie on the table.

The bill to legitimate Frances Ann M'Kinney and William Hardy M'Kinney, natural children of John Mallard, of Jones county, and to change their names; also the bill to legitimate Eliza Bailey and Ambrose Bailey, children of John and Nancy Bailey, of Pasquotank county, were read the second time, and the question shall the said bills pass? was determined in the negative.

The bill to alter the names of John Baptist, William Cook and Mary Frances Cook, children of John Mansard and Penelope Cook, of Pasquotank county, and to legitimate them, was read the second time and rejected.

The bill concerning the navigation of Neuse river, was read the third time, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill authorising Joseph Welch, of Haywood county, to erect two gates on the public road, called the Smoky Mountain Turnpike Road, and Josiah Holly, of Bertie county, to erect and keep up a gate on his own land across the road leading to Colerain Landing, was read the second and third times and amended, and the question shall the said bill pass for its second and third readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, informing of the assent of that House to the proposition for the appointment of a committee of Conference on the disagreeing votes of the two Houses on the bill to encourage the publication of a historical and scientific work on this State; and informing that Mr. Hill of Franklin and Mr. Wilson form the committee on their part. On motion, ordered that a message be sent to the Senate, informing that Mr. Iredell and Mr. Shepperd form the committee on the part of this House.

The House then adjourned until to-morrow morning, 9 o'clock.

SATURDAY, DECEMBER 31, 1825.

On motion, ordered that Mr. Walker, after Tuesday next, have leave of absence from the service of this House until the end of the session.

Mr. Gary presented the resignation of William Drew, Attorney General of the State; which was read and accepted.

On motion, ordered that Mr. Howell have leave to withdraw from the files the petition of Mary Barker; and that Mr. Miller have leave to withdraw from the files the petition of James Daniel.

The engrossed bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her, was read the third time and amended; and the question shall the said bill pass? was determined in the affirmative. Ordered that a message be sent to the Senate, asking the concurrence of that House to the amendment.

A message from the Senate, informing that they had, at the third reading, amended the engrossed bill making compensation to the jurors for the county of Moore; also, at the third reading of the engrossed bill to provide for the removal of the shoal in Tar River below the town of Washington, they had amended the said bill; and asking the concurrence of this House. The said amendments were read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill to establish a poor house in the county of Granville, and for other purposes, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had passed the engrossed bill giving further time to the North-Carolina Catawba Navigation Company to complete the navigation of the Catawba River; also a resolution instructing the Secretary of State to purchase stationary; and a resolution in favor of Joseph Gales & Son; in which they ask the concurrence of this House.

A message from the Senate, proposing to ballot immediately for Attorney General of this State, and informing that James F. Taylor is in nomination for the appointment. The message was disagreed to, and the Senate informed thereof by message, and proposing to ballot on Monday next, at the meeting of the two Houses.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North-Carolina Gold Mine Company, with several amendments, and asking the concurrence of this House. The said amendments were read, and the first concurred in, the two latter disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing of the assent of that House to the amendments made in the several following bills, to wit: The bill to authorise the County Courts of Stokes and Guilford to appoint a committee of Finance; also the bill to extend the time for registering grants and mesne conveyances, powers of attorney, and deeds of gift; and the bill authorising the Court of Pleas and Quarter Sessions of the county of Bladen to appoint commissioners to lay off Turnbull creek, in said county, into districts, for the purpose of being worked on and rendered navigable. The said several bills were read the third time and passed. Ordered that the said bills be enrolled.

The bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes; also the bill to amend and explain the 8th section of an act, passed in 1784, entitled "an act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this State to order the laying out roads," &c. were read the third time, and the question shall the said bills pass? was determined in the affirmative. Ordered that the said bills be engrossed and sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill to amend an act to prevent conspiracies and insurrections among slaves, passed in the year 1802, and asking the concurrence of this House.

Mr. Stephens presented a bill regulating the duty of grand jurors in regard to presentments for assault and battery. The said bill was read the first time and passed.

The bill to amend an act to prevent conspiracies and insurrections among slaves, passed in the year 1802; also the bill giving further time to the North-Carolina Catawba Navigation Company to complete the navigation of the Catawba River, were read the first time and passed.

The bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of the overseers of roads in this State, and for other purposes;" also the bill to direct the manner in which licenses shall be hereafter issued to retailers of spiritous liquors; also a bill to explain and amend an act, passed in the year 1819, chapter 1000, giving the Courts of Pleas and Quarter Sessions power to regulate separate elections; also the bill to amend the 6th section of an act, entitled "an act to amend such parts of the act, entitled 'an act for establishing Courts of Law, and for regulating the proceedings therein,' as may relate to proceedings on attachments;" also the bill to amend an act, passed in the year 1816, entitled "an act to amend the laws in force respecting the trial of slaves in capital cases," and to extend the provisions thereof to the trial of slaves in certain other cases; also the bill to arrange in numerical order the regiments of Infantry of the militia of this State in the counties in which they are located, were respectively read the second time, and the questions shall the said bills pass? were determined in the affirmative.

On motion of Mr. Glasgow,

Resolved, That the Public Treasurer be, and he is hereby authorised to cause to be erected a suitable and convenient building on the Public Square, in which to suspend and preserve the new Bell; and that he be allowed such sum as may be necessary to erect the same in the settlement of his public account.

Ordered that the said resolution be engrossed and sent to the Senate.

A message from the Senate, informing that they had rejected the engrossed bill to authorise and direct the payment to the wardens of the poor in each county in this State the tax imposed on retailers of spiritous liquors.

Mr. Scott, from the committee on the Judiciary, to whom was referred the bill directing the manner in which dowers shall be laid off, reported that the committee, according to order, had had the said bill under consideration, and instructed him to return the bill, with a recommendation that it be rejected. The question to concur with the report passed in the affirmative.

The resolution relative to Joseph Gales & Son; also the resolution instructing the Secretary of State to purchase stationary, received from the

Senate, were read and concurred with. Ordered that the said resolutions be enrolled.

The bill to alter in part the times of holding the Superior Courts of Law and Equity in the 5th judicial circuit; also the bill to amend an act, passed in 1813, entitled "an act directing how persons injured by the erection of public mills shall in future proceed to recover damages," and to amend the 10th section of an act, passed in 1777, directing the duty of millers, were read, and, on motion, postponed indefinitely.

Mr. Webb, who voted in the majority yesterday on the question of rejection of the bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes, moved that the House do now reconsider that vote. The question thereon passed in the affirmative, and the bill was ordered to lie on the table.

The resignation of James Jameson, Lieut. Colonel of the first regiment of the Rowan county Militia, was read and accepted.

On motion, ordered that Mr. Mhoon have leave of absence from the service of this House, after Monday next, to the end of the session.

The House, agreeably to the order of the day, resolved itself into a committee of the whole House, on the bill to prevent free persons of color from migrating into this State, for the good government of such persons resident in the State, and for other purposes, Mr Scott in the chair; and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Scott reported that the committee of the whole, according to order, had had the said bill under consideration, and instructed him to report that the first section thereof be stricken out. Mr. Iredell moved that the consideration of the report be postponed until Monday next. The question thereon passed in the negative. The question then recurring will the House concur with the report? passed in the affirmative—yeas 56, nays 47. The yeas and nays called for by Mr. Stedman.

Those who voted in the affirmative, are Messrs. Adams, Andrews, Bain, Ball, Ballew, Best, Boon, Bonner, Caldwell, Carson, I. Carter, W. Carter, Clement, Conrad, Cooper, Cox, Crawford, Durgan, Edmonston, Elliott, Ellison, Glasgow, Hartley, Herbert, Hill, Holland, Hoover, Howell, Joiner, N Jones, Lassiter, Lewis, Love, Marshall, Matthews, Melchor, G. Moore, Murchison, M'Millan, Raiford, Richardson, Shepperd, L. R. Simmons, Simpson, J. N. Smith, Spruill, Stephens, Torrence, D. Underwood, Unthank, Vann, Wasden, Webb, Whitehurst, Williamson, Wright—56 yeas.

Those who voted in the negative, are Messrs. Alford, Allen, Ashe, Baker, Barnard, Bateman, Bell, Blount, Bozman, Brooks, Bryan, Burke, Bynum, Davenport, Donoho, Drake, Gary, Gause, Gordon, Hardy, Houze, Iredell, W. W. Jones, Lamb, Latham, Mewborn, Miller, Mhoon, A. Moore, M'Nair, Pickins, Poor, Pugh, Rand, Rascoe, Scott, Skinner, Smith of Anson, Smith of Davidson, Stedman, Swain, J. Walton, W. Walton, Webster, Whitaker, Wilder, Wilson—47 nays.

Mr. Bain moved that the said bill be postponed indefinitely. The question thereon passed in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that the names of Daniel L. Barringer and George E. Spruill are added to the nomination for Attorney General of the State.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 2, 1826.

On motion, ordered that Mr. G. Moore, Mr. Ball, Mr. Barnard and Mr. Tillett have leave of absence, after to-morrow, from the service of this House, until the end of the session.

Mr. Williamson, from the committee on Divorce and Alimony, to whom was referred the resolution instructing them to inquire into the expediency of extending the jurisdiction of the Superior Courts in cases of Divorce and Alimony, reported that the committee had considered the said resolution, and instructed him to report a bill to amend an act, passed in 1814, extending the jurisdiction of the Superior Courts in favor of Divorce and Alimony, and to recommend its passage. The bill reported was read the first time and passed.

A message from the Senate, consenting to ballot this morning for Attorney General of this State.

On motion, ordered that Mr. Marshall and Mr. Skinner attend the Senate as a committee to conduct the balloting for Attorney General.

A message from the Senate, informing that Mr. Hill of Franklin and Mr. Wilson of Edgecombe attend this House as a committee on their part to conduct the balloting for Attorney General.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties; and asking the concurrence of this House.

The bill to explain and amend an act, passed in the year 1819, Chapter 1000, giving the Courts of Pleas and Quarter Sessions power to regulate separate elections, was read the third time, amended, passed and ordered to be engrossed, and sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill limiting the time in which actions shall be brought on Justices' judgments, with several amendments, and asking the concurrence of this House. The amendments were concurred in, and the Senate informed thereof by message.

Mr. Skinner, from the committee appointed to conduct the balloting for Attorney General, reported that the committee had performed that duty; and that, on counting the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

On motion, ordered that a message be sent to the Senate, proposing to ballot again immediately for Attorney General.

The bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of the Overseers of roads in this State, and for other purposes," was read the third time and passed. Ordered that the said bill be engrossed and sent to the Senate.

A message from the Senate, consenting to ballot immediately for an Attorney General; and informing that Mr. Hill of Franklin and Mr. Wilson attend this House as a committee to conduct the balloting on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Skinner and Mr. Marshall form the committee to conduct the balloting for an Attorney General on the part of this House.

A message from the Senate, informing that they had passed the engrossed bill authorising Joseph Welch, of the county of Haywood, to erect two gates on the public road, called the Smoky Mountain road, &c. in which they ask the concurrence of this House; and informing that they had indefinitely postponed the engrossed bill to amend an act, passed at the last General Assembly, entitled "an act to appoint commissioners to

contract with Jeremiah Land for the purchase of a piece of land, for the use and benefit of the county of Currituck.

Mr. Skinner, from the committee appointed to conduct the balloting for an Attorney General, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, that neither of the candidates had a majority of the whole number. The question to concur with the report passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for an Attorney General; and informing that the name of Samuel Hillman is added to the nomination, and that the name of George E. Spruill is withdrawn from the nomination.

The bill to amend the 6th section of an act, entitled "an act to amend such parts of the act, entitled 'an act for establishing Courts of Law, and for regulating the proceedings therein,' as may relate to proceedings on attachments," &c. also the bill to direct the manner in which licenses shall be hereafter issued to retailers of spiritous liquors; also the bill to amend an act, passed in the year 1816, entitled "an act to amend the laws in force respecting the trial of slaves in capital cases," and to extend the provisions thereof to the trial of slaves in certain other cases, were respectively read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate.

On motion, ordered that Mr. Bain have leave of absence, after to-morrow, until the end of the session.

A message from the Senate, agreeing to ballot again for an Attorney General, and informing that the committee who conducted the former balloting for an Attorney General on their part, now attend this House to conduct the present.

On motion, ordered that Mr. Scott and Mr. Wm. T. Williams form the committee, on the part of this House, to conduct the balloting for Attorney General; and that the Senate be informed thereof by message.

The bill to provide for taking testimony in certain cases in the Supreme Court; also the bill directing the manner in which the costs of suits decided in the Supreme Court shall hereafter be collected and paid over; also the bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes; also the bill to make overseers of public roads competent witnesses as to notice; also the bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes, were read the second time, and the questions shall the said bills pass? were determined in the affirmative.

The bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties, was read the first time and passed.

A message from the Senate, proposing to ballot immediately for a Colonel and Lieutenant Colonel of Cavalry of the 9th brigade and 5th division of militia, and informing that Nathaniel Gordon, as Colonel, and Samuel F. Patterson, as Lieutenant Colonel, are in nomination. The said message was disagreed to, and the Senate informed thereof by message.

Mr. Scott, from the committee appointed to conduct the balloting for Attorney General, reported that the committee had performed the duty assigned to them; and upon examining the ballots, a majority of the whole number was found to be in favor of James F. Taylor, who was duly elected. The question to concur with the report passed in the affirmative.

The bill to amend the militia laws of this State, so far as regards the returns of Brigadier Generals and Colonels, was read the second time and amended; and the question shall the said bill pass? was determined in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill to amend and explain the 8th section of an act, passed in the year 1784, entitled "an act to empower the county Courts of Pleas and Quarter Sessions of the several counties within this State to order the laying out public roads," &c. with an amendment; also informing that they had passed the engrossed bill directing to whom the bonds of certain officers therein named shall be made payable, and for other purposes, with an amendment; and asking the concurrence of this House. The said amendments were read and concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had agreed to the recommendation for Justices of the Peace for Martin county, with an amendment, viz: "to strike out the names of John G. Smithwick, Joseph Robeson, and Thomas Shaw." The amendment was concurred in, and the Senate informed thereof by message.

Mr. Scott, from the committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of so explaining and amending the act of 1799, relative to descents of real estates given by a parent to natural born children, &c. &c. reported that the committee, according to order, had had the said resolution under consideration, and instructed him to report that it is not expedient to legislate on the subject, and to ask to be discharged from the further consideration of the said resolution. The question to concur with the report passed in the affirmative.

The bill giving the assent of the General Assembly of the State of North-Carolina to an act of the Commonwealth of Virginia, passed the 29th day of January, A. D. 1818, entitled "an act to authorise the Dismal Swamp Canal Company to open a navigable communication between the canal and the nearest navigable part of the North West River, and for other purposes;" also the bill to declare valid certain deeds registered in the county of Wayne; also the bill regulating the duty of grand jurors in regard to presentments for assault and battery; also the bill concerning the settlement of guardians appointed by the Superior Courts, were read the second time, and the question shall the said bills pass? was determined in the affirmative.

A message from the Senate, informing that they insist on their amendments marked B. and C. as proposed by them to the engrossed bill to incorporate the North-Carolina Gold Mine Company; and informing, further, that they had indefinitely postponed the engrossed bill to alter the name of Dicey Cartwright, of Perquimons county, and to legitimate her, together with the amendment proposed by the House of Commons to the said bill.

On motion, ordered that a message be sent to the Senate, informing that this House insist on the bill to incorporate the North-Carolina Gold Mine Company as sent to the Senate for concurrence; and ask for a committee of Conference on the disagreeing votes of the two Houses on said bill.

The bill to amend the 9th section of an act, passed in the year 1777, entitled "an act directing the method of electing members of the General Assembly, and for other purposes;" also the bill authorising a loan to John M'Rae, to aid him in the publication of a Map of this State; also the bill to provide for the security of persons purchasing slaves sold by virtue of executions issued by Justices of the Peace, were severally read the second time and rejected.

Mr. Iredell, from the committee of Conference on the disagreeing votes of the two Houses in relation to the amendment proposed by the Senate to the engrossed bill, entitled "a bill to encourage the publication of a historical and scientific work on the State," reported that the committee, according to order, had met the Conferees on the part of the Senate; and, after considerable discussion, they had been unable to come to any agreement on the subject.

The House then adjourned until 3 o'clock, P. M.

The bill to authorise the Court of Pleas and Quarter Sessions of Beaufort county to appoint a committee of Finance; also the bill directing the manner in which the costs of suits decided in the Supreme Court of North Carolina shall hereafter be collected and paid over; also the bill to make overseers of public roads competent witnesses as to notice; also the bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes; and also the bill to provide for taking testimony in certain cases in the Supreme Court, were read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate.

The bill to alter the time of electing the Members of the General Assembly of this State; also the engrossed bill to designate what persons shall hereafter be liable to serve as overseers of roads, and for other purposes, were read the third time, and, on motion, postponed indefinitely. Ordered that the Senate be informed by message of the indefinite postponement of the latter bill.

A message from the Senate, informing that they agree to the recommendation for Justices of the Peace for the county of Guilford, except as to the names of John Gadson, John Moore and William Hayworth; and asking the concurrence of this House. The message was disagreed to, and the Senate informed thereof by message.

A message from the Senate, consenting to appoint a committee of Conference on the disagreeing votes of the two Houses on the bill to incorporate the North Carolina Gold Mine Company; and informing that Messrs. Seawell and Forney form the committee on their part. On motion, ordered that the Senate be informed by message that Mr. Caldwell and Mr. Spruill form the committee on the part of this House.

On motion, resolved, that the rule of the House, prohibiting the reading of public bills three times in one day, be suspended.

The bill to amend an act, passed in 1814, extending the jurisdiction of the Superior Courts in cases of Divorce and Alimony; also the bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to lands within this State;" also the bill giving further time to the North Carolina Catawba Navigation Company to complete the navigation of the Catawba river, were read the

second time, and the question shall the said bills pass? was determined in the affirmative.

Mr. Iredell, from the committee of Finance, reported that, in addition to the amount of Treasury Notes already reported as unfit for circulation, and burnt under their direction, they have caused to be burnt the further sum of fourteen hundred and eight dollars and eleven cents, and recommended the passage of a resolution, crediting the Public Treasurer with that amount in the settlement of his public accounts. The report was concurred in, and the resolution passed and ordered to be engrossed, and sent to the Senate.

Mr. D. Underwood presented a bill for the regulation of the Board of Internal Improvement, and for other purposes; which was read and ordered to lie on the table.

The bill to amend the first section of an act, passed in the year 1820, concerning the marriage of Infant Females, was read the second time, and, on motion, ordered to be postponed indefinitely.

Mr. Adams presented a bill regulating the duty of Constables and officers on executions. The said bill was read the first time and passed.

The bill for the better protection of public bridges, owned by individuals or corporations, and prescribing the punishment for burning the same, was read the second time and passed.

The bill to restore to credit Thomas Bennett, of Stokes county; also the bill giving further time to the North Carolina Catawba Navigation Company to complete the navigation of the Catawba river; also the bill to extend the provisions of an act, passed in the year 1822, entitled "an act granting further time to perfect titles to lands within this State," were read each the third time and passed. Ordered that the said bills be enrolled.

The bill to establish a Medical Society, and to regulate the practice of Physic and Surgery in this State, was read the third time. Mr. Lamb moved that the said bill be postponed indefinitely, and called for the yeas and nays. The question thereon passed in the negative—yeas 16, nays 78.

Those who voted in the affirmative, are Messrs. Adams, Bell, Brooks, Burke, Burns, I. Carter, Conrad, Davenport, Holland, Lamb, Latham, Stedman, W. Underwood, Vann, Wilder, Williamson—16 yeas.

Those who voted in the negative, are Messrs. Alford, Allen, Andrews, Ashe, Baker, Ball, Ballew, Barnard, Best, Blount, Boon, Bonner, Bynum, Caldwell, Carson, W. Carter, Clement, Cox, Crawford, Daniel, Donoho, Drake, Dunn, Edmonston, Elison, Foy, Gary, Gause, Glasgow, Gordon, Hardy, Hartley, Hill, Hoover, Howell, Iredell, Joiner, W. W. Jones, N. Jones, Lassiter, Love, Marshall, Matthews, Melchor, Mewborn, Miller, A. Moore, Murchison, M'Millan, M'Nair, Pickins, Poor, Pugh, Rand, Rascoe, Richardson, Scott, Shepperd, L. R. Simmons, Simpson, Skinner, J. Smith of Anson, Smith of Davidson, J. N. Smith, Spruill, Stephens, Swain, Torrence, Unthank, J. Walton, W. Walton, Webb, Webster, Whitehurst, E. Williams, Wilson, Wright—78 nays.

The bill was then put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, JANUARY 3, 1826.

Mr. Iredell, from the joint committee of Finance, to whom was referred the examination of the accounts of the late Governor Holmes, in relation

to the expenditure of one thousand dollars, appropriated in 1820 for the purchase of furniture for the Governor's House, reported that the committee had, according to order, considered the said accounts, and instructed him to report a resolution on the subject, and to recommend its passage. The resolution was read and concurred with, and ordered to be engrossed and sent to the Senate.

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to explain and amend an act, passed in the year 1819, chapter 1000, giving the Courts of Pleas and Quarter Sessions power to regulate separate elections; and also the engrossed bill to repeal part of an act, passed in the year 1817, entitled "an act further pointing out the duties of overseers of roads in this state, and for other purposes;" and that they had passed the engrossed bill to give publicity to mortgages and deeds of trust and marriage contracts; also the resolution relating to the Governor's house and the Capitol, &c. and the resolution in favor of Jesse Adams, and asking the concurrence of this House.

The engrossed bill for the better protection of public bridges, owned by individuals or corporations, and prescribing the punishment for burning the same, was read the third time and passed. Ordered that the said bill be enrolled.

The resolution in relation to the Governor's House and the Capitol, &c. was read the first time and passed.

On motion of Mr. Burns,

Resolved, That the Treasurer be authorised to pay Bell & Lawrence ninety-nine dollars thirty-seven and an half cents; and that he be allowed therefor in the settlement of his public accounts; and that the rule be dispensed with, in this case, which requires that resolutions of this character be read three times in each House.

Ordered that the said resolution be engrossed and sent to the Senate.

The resolution in favor of Jesse Adams, was read, concurred with, and ordered to be enrolled.

The bill to give publicity to mortgages and deeds of trust and marriage contracts, was read the first time; and the bill to declare valid certain deeds registered in the county of Wayne, was read the third time, and, on motion, were rejected.

The bill concerning the settlement of guardians appointed by the Superior Courts; also the bill to amend the militia laws of this State, so far as regards the returns of Brigadier Generals and Colonels; also the bill regulating the duty of Grand Jurors in regard to presentments for assault and battery, were severally read the third time and passed. Ordered that the former be enrolled, and the two latter engrossed and sent to the Senate.

The bill to arrange in numerical order the regiments of Infantry of the militia of this State in the counties in which they are located; also the bill giving the assent of the General Assembly of the State of North Carolina to an act of the Commonwealth of Virginia, passed the 29th day of January, A. D. 1819, entitled "an act to authorise the Dismal Swamp Canal Company to open a navigable communication between the Canal and the nearest navigable part of the North West river, and for other purposes," were read the third time and passed. Ordered that the said bills be engrossed and sent to the Senate.

Mr. Caldwell, from the committee of Conference on the disagreeing votes of the two Houses on the bill incorporating the North Carolina Gold

Mine Company, reported that the committee, according to order, had met the committee on the part of the Senate, and could not agree.

A message from the Senate, informing that they had passed the engrossed bill to direct the manner in which licenses shall be hereafter issued to retailers of spiritous liquors, with several amendments, and asking the concurrence of this House. The said amendments were read, the first disagreed to, and the latter concurred in, and the Senate informed thereof by message.

A message from the Senate, informing that they had rejected the engrossed bill to establish a Medical Society, and to regulate the practice of Physic and Surgery within this State.

The bill to amend an act, passed in 1817, establishing a flour warehouse in the town of Fayetteville, was read the second time; also the bill to amend an act, passed in 1814, extending the jurisdiction of the Superior Courts in cases of Divorce and Alimony, was read the third time; and the bill to amend an act appointing Sheriffs, and directing their duty in office, and compelling them to give sufficient security for the discharge of their public duties, was read the second time. On motion, ordered that the said bills be postponed indefinitely.

The bill for the better regulation of the Board of Internal Improvements, and for other purposes, was read the first time. Mr. Mewborn moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 38, nays 42. The yeas and nays moved for by Mr. D. Underwood.

Those who voted in the affirmative, are Messrs. Allen, Andrews, Ashe, Baker, Ballew, Bell, Bonner, Burke, Caldwell, Carson, I. Carter, W. Carter, Clement, Crawford, Davenport, Dockery, Donoho, Elliott, Ellison, Hardy, W. W. Jones, Lamb, Lewis, Matthews, Melchor, Mewborn, Miller, Murchison, M'Millan, Poor, Rascoe, Richardson, Shepperd, Smith of Davidson, J. N. Smith, Swain, Webb, E. Williams—38 yeas.

Those who voted in the negative, are Messrs. Adams, Best, Boon, Brooks, Bynum, Conrad, Cox, Drake, Edmonston, Foy, Gary, Glasgow, Hartley, Herbert, Holland, Hoover, Howell, Joiner, N. Jones, Latham, Lassiter, Marshall, M'Nair, Pugh, Raiford, Rand, Simpson, Skinner, Smith of Anson, Stephens, Stedman, Torrence, W. Underwood, D. Underwood, Unthank, Vann, J. Walton, W. Walton, Wasden, Webster, Whitaker, Wilder—42 nays.

The bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative.

The bill regulating the duty of Constables, and other officers on executions, was read the second time, and, on the motion of Mr. Ashe, postponed indefinitely—yeas 58, nays 25. The yeas and nays moved for by Mr. Adams.

Those who voted in the affirmative, are Messrs. Alford, Allen, Ashe, Bell, Best, Blount, Bonner, Burke, Burns, Caldwell, Carson, W. Carter, Clement, Davenport, Dockery, Donoho, Durgan, Elliott, Ellison, Foy, Gary, Gause, Glasgow, Hardy, Holland, Hoover, Howell, Iredell, N. Jones, Lamb, Marshall, Matthews, Melchor, Miller, A. Moore, M'Millan, M'Nair, Pickins, Poor, Pugh, Raiford, Rascoe, Shepperd, L. R. Simmons, Skinner, Smith of Davidson, J. N. Smith, Spruill, Stephens, Torrence, W. Underwood, Unthank, W. Walton, Wasden, Webb, E. Williams, Wilson, Wright—58 yeas.

Those who voted in the negative, are Messrs. Adams, Baker, Brooks, I. Carter, Conrad, Cox, Drake, Edmonston, Gordon, Hartley, Herbert, Houze, Joiner, Lassiter, Rand, Smith of Anson, Stedman, D. Underwood, Vann, J. Walton, Webster, Whitaker, Whitehurst, Wilder, Williamson—25 nays.

On motion, ordered that Mr. J. N. Smith have leave of absence from the service of this House, after to-morrow, until the end of the session.

The engrossed bill to prevent conspiracies and insurrections among slaves, passed in the year 1822, was read the second time, and, on the motion of Mr. Shepperd, postponed indefinitely.

A message from the Senate, informing that they had passed the engrossed bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes, with several amendments, and asking the concurrence therein of this House. The amendments were read and disagreed to, and the Senate informed thereof by message.

A message from the Senate, informing that they further insist on their amendments, as proposed to the engrossed bill to incorporate the North-Carolina Gold Mine Company; and that they also further insist on their amendments proposed to the engrossed bill to encourage the publication of a historical and scientific work on the State.

On motion, ordered that the Senate be informed by message that this House further insist on their disagreement to the amendment proposed by them to the engrossed bill to encourage the publication of a historical and scientific work on this State; and that this House adhere to their disagreement to the amendments, as proposed by the Senate, to the engrossed bill to incorporate the North-Carolina Gold Mine Company.

The House then adjourned until 3 o'clock, P. M.

The resolution in favor of John Barnett, Sheriff of Person county, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate.

On motion, ordered that a message be sent to the Senate, proposing to rescind the joint rule so far as relates to the introduction of a bill supplemental to an act, passed at this session of the General Assembly, entitled "an act to provide for the better government of the town of Wadesborough, in Anson county."

The resolution in favor of Matthew Miller, was read the third time, passed, and ordered to be enrolled.

The resolution relative to John Duckworth, was read the second and third times, passed, and ordered to be enrolled.

The resolution appropriating two hundred dollars out of the fund set apart for Internal Improvements to complete the road from Wilkesborough, over the Brushy Mountain, at Green's Gap, to the widow Bogle's, in Iredell county, was read the second and third times and passed. Ordered that the said resolution be engrossed and sent to the Senate.

The resolution relating to the Governor's House and Capitol, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they recede from their amendments made in the engrossed bill to encourage the publication of a historical and scientific work on this State; and that they agree to suspend the joint rule in regard to the introduction of bills, so far as to admit the introduction of the bill supplemental to an act, passed at this session, entitled "an act to provide for the better government of the town of Wadesborough, in Anson county." The said bill was read the first, second and third times, and the question shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate.

Mr. Ashe, from the joint select committee, to whom was referred the

message of his Excellency the Governor relative to the education of James Forsyth, reported that the committee, according to order, had had the subject under consideration, and instructed him to report a resolution thereon, and to recommend its passage. The said resolution was read and unanimously concurred with, and ordered to be engrossed and sent to the Senate.

The engrossed resolution in favor of Thomas Lanier and Hardy Wood, of Franklin county, was read the first, second and third times, passed, and ordered to be enrolled.

The resolution concerning a Lunatic Asylum, was read and concurred with, and returned to the Senate.

Mr. Caldwell presented a bill authorising and empowering the several County Courts in this State to procure a copy of Comyn's Digest, and such State reports as may be deemed necessary, and to make such regulations as may be necessary for the preservation of the same. The said bill was read the first time, and rejected.

On motion, ordered that Mr. Ashe have leave to withdraw from the files the papers of Morgan Brown; and that Mr. Conrad have leave to withdraw from the files the papers accompanying the petition of William Bevins.

Resolved, That the Secretary of State be directed to issue to Joseph Whitson, of Buncombe county, a grant for one hundred acres of land, agreeably to the entry taker's certificate, and the Treasurer's receipt filed in the proper office.

The bill to alter the dividing line between the counties of Surry and Stokes, was read the second and third times, passed, and ordered to be engrossed and sent to the Senate.

The bill to divorce Elizabeth Ferguson, of Wilkes county, from her husband James Ferguson, was read the first time and rejected.

The bill to secure to Elizabeth Witherspoon, of Wilkes county, such property as she may hereafter acquire, was read the first, second and third times, and the question shall the said bill pass its several readings? was determined in the affirmative. Ordered that the said bill be enrolled.

A message from the Senate, informing that they recede from their first amendment, as proposed in the bill to direct the manner in which licenses shall be hereafter issued to retailers of spiritous liquors.

The bill for the regulation of the Board of Internal Improvements, and for other purposes, was read the second time. Mr. Burns moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the affirmative—yeas 43, nays 41. The yeas and nays moved for by Mr. D. Underwood.

Those who voted in the affirmative, are Messrs. Alford, Allen, Andrews, Ashe, Baker, Ballew, Blount, Burns, Caldwell, Carson, W. Carter, Clement, Donoho, Elliott, Ellison, Gause, Gordon, Herbert, Hill, Howell, Iredell, W. W. Jones, Lamb, Lewis, Matthews, Melchor, Miller, A. Moore, G. Moore, M'Millan, Rascoe, Scott, Shepperd, Smith of Davidson, Spruill, Swain, Torrence, Webb, Whitehurst, E. Williams, Williamson, Wilson, Wright—43 yeas.

Those who voted in the negative, are Messrs. Adams, Bell, Boon, Brooks, Burke, I. Carter, Conrad, Cox, Davenport, Drake, Durgan, Edmonston, Gary, Glasgow, Holland, Hoover, Houze, N. Jones, Latham, Lassiter, Love, Marshall, Mewborn, M'Nair, Raiford, L. R. Simmons, Simpson, Smith of Anson, Stephens, Stedman, W. Underwood, D. Underwood, Unthank, Vann, J. Walton, W. Walton, Walker, Wasden, Webster, Whitaker, Wilder—41 nays.

The engrossed bill to create a fund for the establishment of common schools, was read the second and third times, amended, and passed. Or-

dered that the said bill be sent to the Senate, with a message, asking the concurrence of that House with the said amendment.

On motion, ordered that the Senate be informed by message that this House recede from their disagreement with the amendments made by them to the bill to compel certain officers therein named to make out their fee bills in dollars and cents, and for other purposes.

A message from the Senate, informing of their assent to the proposition to suspend the joint rule of both Houses in relation to the introduction of bills, so far as to admit the bill supplemental to an act, passed at this session of the General Assembly, entitled "an act to provide for the better government of the town of Wadesborough, in Anson county."

Received from the Senate, a communication, announcing the death of Jethro Howell, a member of that House, and a resolution to wear crape on the left arm for thirty days, as a testimony of respect to the deceased.

On motion of Mr. Iredell,

Resolved, That this House, as a testimony of their respect to the deceased Senator, will wear crape on the left arm for thirty days.

A message from the Senate, insisting on their amendments to the engrossed bill to incorporate the North-Carolina Gold Mine Company. On motion, ordered that this House adhere to the said bill as engrossed and sent to the Senate for concurrence.

A message from the Senate, informing that they had rejected the following engrossed bills, to wit: The bill to arrange in numerical order the regiments of Infantry of the militia of this State; the bill to amend the militia laws of this State, so far as regards the returns of Brigadier Generals and Colonels; and the bill regulating the duty of Grand Jurors in regard to presentments for assault and battery.

On motion of Mr. Gordon, ordered that he have leave to withdraw from the files the papers and vouchers accompanying the petition of Willis Alexander.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 4, 1826.

Mr. Iredell, from the committee of Finance, reported that the committee had examined the accounts and vouchers of the Comptroller for the last fiscal year, and instructed him to report that they found them correct, and, according to order, had punched and cancelled them. The question on said report passed in the affirmative.

A message from the Senate, informing that they had passed the engrossed bill concerning the entry of land, in which they ask the concurrence of this House; and informing of their agreement with the amendment made by this House in the engrossed bill to create a fund for the establishment of common schools. The said bill was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill concerning the entry of land, was read the second time and passed. Ordered that the said bill be read the third time. Mr. Davenport moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 42, nays 45. The yeas and nays moved for by Mr. Mewborn.

Those who voted in the affirmative, are Messrs. Alford, Allen, Bate-man, Bell, Bonner, Bozman, Burke, Bynum, I. Carter, Cooper, Cox,

Crawford, Daniel, Davenport, Drake, Dunn, Ellison, Foy, Gary, Hardy, Howell, Latham, Mewborn, M'Millan, M'Nair, Pugh, Raiford, Rand, Rascoe, L. B. Simmons, Skinner, Stephens, Stedman, D. Underwood, Vann, J. Walton, W. Walton, Wasden, Webster, Whitehurst, Wilder, W. T. Williams—42 yeas.

Those who voted in the negative, are Messrs. Andrews, Baker, Ballew, Best, Carson, W. Carter, Clement, Conrad, Dockery, Donoho, Durgan, Edmonston, Elliott, Gause, Glasgow, Gordon, Hill, Holland, Houze, Joiner, W. W. Jones, N. Jones, Lassiter, Lewis, Love, Marshall, Matthews, Melchor, Miller, G. Moore, Murchison, Paor, Scott, Shepperd, Simpson, Smith of Anson, Smith of Davidson, J. N. Smith, Swain, Unthank, Webb, Whitaker, Williamson, Wilson, Wright—45 nays.

The said bill was put on its passage, and the question shall the said bill pass? was determined in the affirmative. Ordered that the said bill be enrolled.

The bill to repeal an act, passed in the year 1818, entitled "an act to elect a magistrate for the town of Wilmington, and for other purposes;" also the bill for the regulation of the Board of Internal Improvements, and for other purposes, were read the second time, and, on motion, postponed indefinitely.

The report of the select joint committee on the public printing, and the report of the select joint committee, to whom was referred the memorial of the Grand Jury of Chatham county on the subject of a Penitentiary in this State, were, on motion, ordered to lie on the table without day.

The resolution directing the Secretary of State to purchase certain books for the use of the different County Courts in the State; also the resolution directing the committee on Education to ascertain and report to the House whether the committee appointed by the last General Assembly to digest a plan for the education of the children of the poor, intend reporting on the subject; and the recommendation made by Mr. Bonner for Justices of the Peace for the county of Hyde, were postponed indefinitely.

On motion, ordered that a message be sent to the Senate, informing of the readiness of this House to adjourn without day.

A message from the Senate, informing of the readiness of that House to adjourn *sine die*.

On motion of Mr. Carson,

Resolved, unanimously, That the thanks of this House are due, and are hereby conferred upon the Hon. John Stanly, for the prompt, able and dignified manner in which he has discharged the arduous duties of the Chair during the present session.

The Speaker, thereupon, made his acknowledgments to the House, and adjourned it without day.

J. STANLY, S. H. C.

By order,

P. HENDERSON, C. H. C.

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